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Senate

The Senate met at 10:04 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Most Reverend Roger L. Kaffer, Auxiliary Bishop, Joliet, IL.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Most Reverend Roger L. Kaffer, offered the following prayer:

Let us pray:

God bless our Senators,
Leaders we love.
Stand beside them and guide them,
Day and night with Your light from above.
From Rhode Island to Nevada,
To the Rockies, white with snow,
God help our Senators,
Your will to know;
God help our Senators
In wisdom grow.

God bless our Senators,
Women and men.
Give them courage and patience
To share insights again and again.
Father, no one has all answers
But together help them find
Answers that come from You
To those not blind.
In God we trust and pray:
Teach us Your mind.

Life, justice, liberty,
Happiness, too,
Founding Fathers have taught us.
God-endowed, these are ours to pursue.
When our Senate meets in session
To determine what is best,
God bless our Senators,
In truth's great quest.
God bless our Senators,
North, South, East, West.

Through Christ Our Lord. In the name of the Father and of the Son and of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PETER FITZGERALD, a Senator from the State of Illinois, led the Pledge of Allegiance, as follows:

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

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Illinois is recognized.

BISHOP ROGER L. KAFFER

Mr. FITZGERALD. Mr. President, I wish to speak for a couple of moments about our guest Chaplain, Bishop Roger Kaffer from Joliet, IL, who just gave the opening prayer.

Bishop Kaffer is an old friend of my family. In fact, he went to grade school and to high school with my mother back in Joliet, IL—St. Raymond's grade school and Joliet Township high school. He is now the Auxiliary Bishop in the Joliet diocese outside of Chicago, IL.

I thank him for his prayer and welcome him to the Senate. We very much appreciate it.

I thank the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Missouri is recognized.

SCHEDULE

Mr. ASHCROFT. Mr. President, today the Senate will be in a period of morning business until the Senate recesses for the weekly party conference lunches from 12:30 to 2:15 p.m. When the Senate reconvenes, it will begin consideration of H.R. 5, the Social Security earnings legislation. Under a previous agreement, there will be approximately 4 hours of debate with three amendments in order to the bill. Any necessary votes on those amendments will occur this afternoon with a vote on final passage to occur on Wednesday morning. For the remainder of the week, the Senate may begin consideration of the crop insurance legislation or any other legislative or Executive Calendar items available for action.

I thank my colleagues for their attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

READY TO PROCEED

Mr. REID. Mr. President, I know the Senator from Missouri wants to speak in morning business.

We are ready to proceed on the issues that have been outlined. We are anxious to get to the Social Security earnings limit withdrawal. Also, we are anxious and look forward to the budget debate which will take place, we hope, next week. We must keep our eyes on the prize, and that is to do something about the $5 trillion debt that has accumulated, recognizing that is necessary for a tax cut for everybody in America.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of time for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. Also, under the previous order, the Senator from Missouri, Mr. ASHCROFT, is now recognized to speak for up to 15 minutes.

The Senator from Missouri.

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

REPEAL OF SOCIAL SECURITY EARNINGS LIMIT

Mr. ASHCROFT. Mr. President, as has been noted, we will be dealing today with the repeal of the Social Security earnings limit. I think individuals on both sides of the aisle are eager to deal with this kind of legislation.

What is the earnings limit? The earnings limit is simply a way of saying that if citizens between 65 and 69 years of age earn over a modest amount of money when they earn outside income by working, the Government deducts from their Social Security $1 for every $3 they earn; that is, for $1 over $17,000, the Government reduces the benefits $1 for every $3 of earnings.

This makes it very difficult for a number of people who are between 65 and 70 years of age, who want to be able to sustain themselves, who want to be able to help their families, who want to be able to remain independent and not dependent on Government. Yet Government has this rather onerous discriminatory effect on their work habits. It says if you earn money, we are going to take money away from what you have previously earned as a Social Security benefit.

The earnings test is a misguided and outdated relic of a time when jobs were scarce, unemployment was high, when people did not live as long and healthy lives as they do today. It is clearly a disincentive for seniors to work. By telling seniors if they work hard and earn money, we will just take it away from them or we will deduct it from their Social Security, we are saying: Seniors need not apply; seniors need not aspire to a better life; seniors need not expect to remain independent—all of which are the wrong statements for us to be making to our seniors.

There are a great number of seniors who are working anyhow and paying a penalty for working. It seems strange that in a country that needs workers, we are asking people to pay a high penalty for working: 1.2 million working seniors are penalized now; 17,523 working seniors in Missouri suffer losses in their Social Security as a result of their industry, their willingness to work. But the actual number of seniors affected by this pernicious idea of discriminating against seniors in the workplace is much greater than this 1.2 million nationwide or 17,523 in the State of Missouri. There are millions of seniors who choose not to work or choose to work only a small amount because they don't want to work in such a way that it will erode, undercut, undermine, or diminish their Social Security income.

Keeping seniors out of our workforce has a serious consequence. It is against our best interest to remove the kinds of things seniors bring to the workforce. They are great workers. They are skilled workers. They are workers of value and experience. The current unemployment rate of 4 percent indicates to us that we need skilled and experienced workers. Seniors are highly valuable members of the workforce. Their continuing contributions are crucial. The only limit to what they have to offer is the earnings limit. We should not limit what good people can offer to this country.

I have spent quite a bit of time in my home State of Missouri talking with constituents. There are real life examples. Beverly Paxton from Belton, MO, who represents the Green Thumb organization, says hundreds of seniors would be eager to work without the earnings test. Furthermore, some don't try to work for fear that the Social Security Administration might take benefits away. Seniors don't want to have to visit a CPA to find out whether if they go to work they will lose benefits or be taxed at such a high rate that working will actually end up costing them money.

Many more limit their hours to avoid the Social Security earnings test and its application which would result in the deduction of Social Security benefits. A manufacturer from Belton, MO, said to me: Seniors work until they reach the income limit. Then they tell the employer: I won't be here next week; I will see you next January.

Well, what does this do to our situation where we want people to be able to work with continuity and our manufacturers and our enterprises to be able to provide service with continuity?

Here we have an employer who is left in the lurch, having to absorb training costs or heavy overtime costs because we have said to seniors: You cannot work on a regular basis if that regular basis carries you over the income limit. These decisions of people working for quite a bit of time and then precipitously dropping off or being underemployed by not working very much throughout the entire year are based on the arbitrary earnings test limit of the Social Security Administration which says if you pass a certain limit, we will start deducting from your Social Security check. Even when seniors work around the test, they suffer unexpected costs.

C.D. Clark from Florissant, MO, had earned $25,000 before trying to limit earnings to protect himself from the test. He had planned to work only 8 months so his Social Security benefits would not be cut; he would get himself down under the limit. The Social Security Administration, however, assumed he would earn the same amount, the $25,000 he had earned previously, and withheld his Social Security checks from January through March of this year. When Mr. Clark complained to the Social Security Administration that he had not reached the income limit of $17,000, he was told: We like to get our money up front—as if Social Security was their money, as if it were not a benefit for which Mr. Clark had paid years and years of taxes.

Not only do we find people harmed financially, but seniors express to me over and over again that their physical and mental well-being is pinned upon their ability to keep working. In St. Joseph, MO, working is a mental health issue. Seniors who don't work often lose their sense of self-worth. This point was not only made to me in my visit to St. Joseph but across the State. In Joplin, for example, I was given the same information.

To the extent that the earnings test keeps as many as 200,000 Missouri seniors from working, it harms the mental well-being of those 200,000 Missouri seniors who would like to be active. Over and over again, this was a refrain I heard from seniors: We want to work; we want to be active; we need to be.

The earnings test can threaten lives in other ways as well. Lois Murphy of St. Louis is 65 and works part-time as a registered nurse in the operating room at St. John's Mercy Medical Center. The hospital suffers from a labor shortage and needs help from women like Mrs. Murphy who are experienced, willing, and dedicated to work. She limits her hours because of the earnings limit. This takes a skilled, experienced, and needed worker out of the hospital, out of the capacity of caring for other individuals.

Mrs. Murphy wrote to me:

> The $17,000 limit a person could earn plus the small Social Security check is not enough to live comfortably and enjoy your senior years.

Mrs. Murphy neatly summarized this issue in one simple sentence:

> I think if a senior citizen at age 65 is willing to work, they should be able to earn a lot more or not have a limit.

Well, I believe Mrs. Murphy is right. Seniors should have the freedom to earn if they choose. The problem is that they don't have that choice. We must send the earnings test into retirement. We should retire the earnings test, not force the retirement of our senior citizens.

One of the business owners and operators I talked to put it this way: Seniors are able to work pretty aggressively through most of the year until they get up to the brink of the Christmas season when they really are needed. Then when they are intensely needed, the test kicks in and they have to check out.

Many seniors who want to work don't work because of the costs imposed by the earnings test. Take, for example, a senior in the 28-percent tax bracket. The earnings test kicks in. One out of every $3 is taken away from Social Security. That turns out to be another tax of roughly 33 percent.

Then if you add the 7.65-percent Social Security tax on the people, and a State income tax of, say, 6 percent, you get up to a 74- to 80-percent combined tax load on a working senior citizen. If they have any expenses of going to and from work, or wardrobe expenses associated with work, it could well be that the senior citizen actually loses money. The Government is so aggressive in reducing their ability to earn. The earnings test is pernicious and discriminatory toward seniors.

This is something we ought to address. I am delighted that the House has done so and that the President has signaled his agreement with what the House has done. I have been working on this since I came to the Senate in 1995. I voted to substantially increase the limit in 1997. I called for the elimination of the test and cosponsored legislation that would get rid of the test.

This year, I have introduced legislation that would eliminate the test. My bipartisan legislation has 43 cosponsors, including the entire majority leadership. There are a number of others, organizations and all, who have endorsed this concept, including Green Thumb, 60+, the Seniors Coalition, National Association of Home Builders, National Taxpayers Union, the U.S. Air Force Sergeants Association, Americans for Tax Reform, CapitolWatch, National Tax Limitation Committee, United Seniors Association, United Seniors Health Cooperative, and the U.S. Chamber of Commerce.

The point is, the House of Representatives recognized the value of this concept and unanimously voted to eliminate the earnings limit. The President has indicated he would sign clean legislation, unencumbered by extraneous amendments. I believe we should follow the lead of the House and do what the President is asking us to do—to deliver this measure which would eliminate the earnings test. It is something I have been working on now for years. It is a counterproductive, unfair penalty. I believe that, because the President is prepared to sign it, the Senate now needs to move forward and eliminate this out-of-date and costly impediment, this discrimination, this very serious problem for our seniors, which prohibits our culture from having the benefit and value of the best effort of many of our very best workers.

With that in mind, I look forward to the debate later today. I am pleased to have had this opportunity to address this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is now in a period of morning business.

THE JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, I will speak on a matter involving the juvenile justice conference—or, perhaps more accurately, I should say the lack of a conference on the juvenile justice bill. It is a matter that concerns me greatly because I was the floor leader on this side and the distinguished Senator from Utah was the floor leader on the other side when we had over a week of debate on the juvenile justice bill. We had a very solid debate. We then passed the bill with 73 votes in the Senate. It went to conference, and it was like going into the Bermuda Triangle; we haven't seen it since.

Actually, this Congress has kept the country waiting too long for action on juvenile justice legislation and has kept the country waiting too long on sensible gun safety laws. We are fast approaching the first-year anniversary of the shooting at Columbine High School in Littleton, CO. It has been 11 months since 14 students and a teacher lost their lives in that terrible tragedy on April 20, 1999. It has been 10 months since the Senate passed the Hatch-Leahy juvenile justice bill. As I said before, it was an overwhelming vote of 73–25.

Our bipartisan bill includes modest—and I believe effective—gun provisions. It has been 9 months since the House of Representatives passed its own juvenile crime bill, which was on June 17, 1999. Then the leadership in the Congress delayed action on calling a conference all summer. It has been 8 months since the House and Senate juvenile justice conference met for the first and only time. The Republican majority in the Congress convened the conference on August 5, 1999. They did that less than 24 hours before the Congress adjourned for a month's vacation.

Now, you don't have to be a cynic to recognize this for what it was. It was a transparent ploy to deflect criticism for delay, but also to make sure the conference could not do anything. They would not have enough time to prepare comprehensive juvenile justice legislation to send to the President before school began in September. But we did have time to do it before children went back to school in January. We didn't do that. Now I wonder if we will ever do it.

The Senate and House Democrats have been ready for months to reconvene the juvenile justice conference. We have told the Republicans we would meet with them on a minute's notice. We want to work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions. But even though the Senate passed this legislation by a 3-to-1 majority, no conference; the Republican leadership has decided not to act.

I think this is particularly shameful because the Congress has spent more time in recess than in session during the last meeting of this conference. Think about that. We have been out on vacation more time than we have actually been here working since we had that last conference. Let's take a couple days off one of these recesses and have a conference.

Two weeks ago, the President invited House and Senate members of the conference to the White House, both Republicans and Democrats. He urged us to proceed to the conference and to have final enactment of legislation before the anniversary of the Columbine tragedy. Unfortunately, the Republican majority has rejected the President's plea for action. I think more than rejecting the President's plea for action, they have rejected the American people's plea.

On April 22 of last year, barely 2 days after the killings at Columbine High School, I came to the Senate to urge action. I praised the Democratic leader, Senator KENNEDY, and others for their thoughtful comments on these matters and for reaching out to the families of those who were killed that week. At that time, almost a year ago, I urged the Senate to rededicate itself to the work of assisting parents, teachers, the police, and others in stemming school violence. I suggested that S. 9, the Safe Schools, Safe Streets, and Secure Borders Act of 1999, provided a good place to start.

Responding to our efforts to turn the Senate's attention to the problems of school violence, on April 27 the Republican leader came to the floor and said if we withheld for 2 weeks, he could provide a legislative vehicle ''that we could take up, and the Senate would then have an opportunity for debate, have amendments, and have votes.''

Senator LOTT returned to the floor the following day to repeat his commitment to provide the Senate with the ''opportunity to debate and vote on those issues dealing with school violence.'' To Senator LOTT's credit, he proceeded to S. 254, the juvenile justice bill, which was then pending on the Senate calendar, and he did that on May 11. We then had 2 weeks of real debate on it—one of the few we have had recently—and then the Senate worked its way through this bill. The Hatch-Leahy juvenile justice legislation, which passed the Senate on May 20, passed with a strong bipartisan majority and 73 votes, with both Democrats and Republicans voting for it. No one should forget it was a Republican majority that decided to make the juvenile justice legislation the vehicle for the antiviolence amendments adopted by the Senate last May. Three-quarters of the Senate voted for our legislation.

Following the action by the other body, I urged a prompt conference on the juvenile justice legislation. I took the unusual step of coming to the Senate to propound a unanimous consent request to move to conference on the legislation, which initially encountered Republican objections. But eventually this request provided a blueprint for moving the Senate to agreeing to conference on July 28 of last year.

Unfortunately, that conference was convened for only a single afternoon—not with votes but of speeches. Democrats in both the House and Senate tried to offer motions about how to proceed to begin some of the discussion. But that was ruled out of order by the Republican majority.

Then I spoke on the floor several times last year—on September 8, September 9, and October 21—urging the majority to reconvene the juvenile justice conference. I joined with fellow Democrats to request, both in writing and on the floor, the majority to let us

finish our work on the conference and then send a good bipartisan bill to the President. On October 20, 1999, all the House and the Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE calling for an open meeting of the juvenile justice conference. The following year, on March 3, 2000, after yet another shocking school shooting involving 6-year-old classmates in Michigan, Representative CONYERS and I wrote again to Senator HATCH and Congressman HYDE requesting an immediate meeting of the conference. The response has been resounding silence.

Two weeks ago, I felt honored to be invited to a White House summit by the President of the United States. I joined Senator HATCH, Congressman HYDE, and Congressman CONYERS in an Oval Office meeting with the President—a very substantive meeting. It went on well over an hour on what was a very busy day for the President. He urged the reconvening of the conference. He urged action by the Congress to send him a comprehensive bill before the 1-year anniversary of the Columbine tragedy. I met with the President again that evening. He said again: Please, will you just meet and send me a bill, especially before the 1-year anniversary of Columbine. His entreaties, which I thought were well intentioned and were done seeking bipartisan support, were rebuffed. No conference has been scheduled.

This is only the latest in a long series of delays that have plagued this legislation. We had to overcome technical obstacles and threatened filibusters just to begin the juvenile justice conference, and, unfortunately, I see no sign of abating the delays. We worked hard on the Hatch-Leahy juvenile justice bill, S. 254, and passed it by a vote of 73 to 25, but we cannot get a conference.

What I worry about is the impression we give the country. We will stand here and debate symbolism. We will take long recesses. We will talk about everything but the thing that is on the minds of parents and schoolchildren.

I am blessed with representing a State that I believe has the lowest crime rate in the Nation. We are a State where most of us don't even lock our doors. But it is interesting, when I go to schools in my State and talk to parents, to teachers, and to the children, they worry. Then I go into some of these other larger, urban States, and the concern is enormous.

We have become a terribly violent nation notwithstanding that the vast majority of Americans are good and law-abiding people. I come from a State where a majority of the people own firearms. I own many myself. We don't have gun control laws in our State. We teach people to respect the weapons they have. But the people in Vermont have the same sense of revulsion that I do when they see some of these shootings and they see a Congress unwilling to even stand up to a powerful gun lobby.

Can anybody forget what was probably one of the most terrible pictures I have seen, and terrible in what it said, at the Jewish day center in California where a man went in attacking and shooting? You remember the photograph of the heavily armed police officers leading the little children out across the street. Every one of us has children and has been with children. We have seen them in grade school with a teacher leading the group of children. All the children hold hands. They hold hands with the teacher. And what a happy, cheerful time: We are going to recess. We are going to class. We are going to learn. And they are protected and safe because they are with their teacher or their parents. But this time police officers led these children. They did not know what was going on with the heavily armed officers bringing them to safety. The police officers must have children of their own, or grandchildren of their own, and were thinking about what was going on.

These are images that frighten people in this country. It is reasonable that they are frightened. We ought to respond. We are talking about a juvenile justice bill that has a whole lot of things way beyond any question of gun control. It has in it only modest gun control. It closes some loopholes in the law where you can't go to a flea market in the middle of a Saturday afternoon, and buy a gun without a real check on your background.

We have an opportunity in the conference to cut through partisan differences to make a difference in the lives of our children and families. We need to meet in the conference to debate our motions, and vote them up or vote them down, but at least meet and vote. We are paid to vote yes or no. We are not paid to pass the buck. That is what is happening here.

I don't know what my friends on the Republican side worry about. There are more of them than there are of us. They control the schedule. They have the votes. They can vote down anything they want. The procedural hurdles and the delays that plague this legislation are simply because of the opposition of the gun lobby to any new firearm safety laws.

Unfortunately, the leadership is being held hostage by the extreme views of the NRA and other special interests. If they really wanted to pass effective juvenile justice reforms and protect our children against gun violence, they could do it tomorrow. The President would sign the Hatch-Leahy bill in a second if it reached his desk.

Last year, the Y2K Act conference only took 2 weeks to complete, and a bill was sent to the President to provide legal protections for business—legal protections, as it turned out, that they didn't need. But when it comes to protecting our children where there is a real need, we can't act unless the NRA tells us we are allowed to act. That is wrong.

I didn't come to the Senate to have any group or any special interest group on the right or the left tell me what I can do or not do. Only the voters of my State can make a decision that they don't like the way I vote. They can throw me out. But we should not allow this great body to be held hostage by special interest groups—no matter how many Members they have, no matter how much money they spend on television, or no matter how outrageous a claim they make.

I have stood on this floor many times, but some of the proudest times I have had in public service were as a prosecutor in law enforcement. Let's listen to our Nation's law enforcement officers. They say pass a strong and effective juvenile justice bill. Ten national law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendment. They support loophole-free firearm laws.

I remind Senators of the time Members of this Congress turned their back on police officers when the NRA said don't ban cop-killer bullets. Do you remember that? Law enforcement said: Wait a minute. We put our lives on the line for you. How about protecting us?

Here are the organizations that have endorsed the gun-safety amendment and that support loophole-free firearm laws:

The International Association of Chiefs of Police, the International Brotherhood of Police Officers, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, National Sheriffs Association, National Association of School Resource Officers, National Organization of Black Law Enforcement Executives, Hispanic American Police Command Officers Association.

These law enforcement officers need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting and sport but about criminals and unsupervised children. These organizations want Congress to move.

We recognize there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. We have an obligation to do our part. It is time to act.

This list represents organizations that endorse the Senate-passed gun safety amendments. These are not organizations that take a pie-in-the-sky attitude. These organizations represent people who work in an increasingly violent society, putting their lives on the line to protect all Americans, just as the police officers in the Capitol put their lives on the line every day to protect everyone. Since I have been here two have died doing that.

These organizations ask: Will you at least stand up for us as we stand up for the quarter billion Americans?

I see the distinguished senior Senator from Rhode Island on the floor, Mr. REED. I applaud Senator JACK REED for his resolution for the juvenile justice conference to report a final bill by April 20 of this year, the 1-year anniversary of the Columbine High School shooting.

I am proud to cosponsor this resolution. I am proud to work with my good friend. I admire him for his initiative. I yield the floor to the distinguished senior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I commend the Senator from Vermont for his eloquence and his passionate support of this vital legislation. It is vital to the children and to the families of this country.

As the Senator pointed out, it has been 11 months since the tragic incident at Columbine High School. Last April 20, we witnessed with horror and revulsion an attack on children who were just going to school. The entire country stood up as one and said: We have to do something. We have to stop this senseless gun violence. We have to create a country in which easy access to firearms and the resulting violence is something of the past.

However, it has not stopped. The violence continues every day with tragic consequences throughout this country—in Seattle, WA; in Atlanta, GA; in Los Angeles, CA; in Honolulu, HI; in Ft. Worth, TX; in Sidney, OH; in Wilkinsburg PA; in Mount Morris township in Michigan; and thousands of other places where, regrettably and tragically, gun violence is so common in this country that it doesn't make the front page because the incidents aren't that graphic or that violent.

The first anniversary of the tragedy at Columbine High School is just around the corner, April 20. Still, the conference committee on juvenile justice has not yet discharged their duty and sent back a bill that contains common, safe, gun safety measures that were passed by this Senate. In fact, as the Senator from Vermont pointed out, the committee has met only once, last August. For 8 months we have waited. We have waited; the American people have waited. We have waited for commonsense protections that have been frustrated and thwarted by the Republican leadership at the behest of the NRA. They have ignored the will of the American people and the overwhelming desire of the American people to protect the safety of their children and the safety of their communities.

I believe the American people have waited long enough. Today, along with my colleagues, Senator BOXER of California, Senator LEAHY, and others, I will introduce a sense-of-the-Senate resolution calling for the juvenile justice conferees to complete and submit the conference report before April 20, the first anniversary of the Columbine shooting, and to include in this conference report the amendments passed by this Senate seeking to limit access to firearms by juveniles, by convicted felons, and by other persons.

Will the passage of this legislation stop gun crime in this country? No, it won't. But it will represent a step forward to impose reasonable controls on the easy access to firearms for those who should not have them: Children, criminals, those whose mental capacity is diminished enough so they resort to violence with these weapons.

Within the core of this juvenile justice legislation are simple, commonsense approaches to ensure we have a safer society: Closing the gun show loophole, requiring safety locks to be sold with handguns, banning the importation of large capacity ammunition clips, and outlawing juvenile possession of assault weapons.

We will bring common sense to our gun laws with these measures and, hopefully, reduce the avalanche of violence that is engulfing so many in this society.

In my home State of Rhode Island, in the city of Providence alone, 26 people were murdered in 1999. That is up from 15 in 1998. Firearms were used in the vast majority of the killings in both years: 19 out of the 26 people who were killed last year were killed with firearms, 11 of the 15 the year before. And Providence, my capital, is a small city of roughly around 200,000 people.

Last year, when we were talking about Columbine High School, if any Member came to this floor and said: I predict a 6-year-old child will walk into first grade and kill another 6-year-old child with a handgun, we would have been lambasted as extremists, hysterical, provocateurs, irresponsible, reckless. Guess what. It happened. Incidents such as that happen each and every day.

Just a few weeks ago in Providence, RI, two young boys were rough-housing with each other—a 17-year-old and a 13-year-old friend—doing what boys have been doing for a long, long time. They were razzing each year, wrestling with each other, seeing who was the most tough. They went on and on and on. One of them got frustrated. Now, when I was younger, that frustration might have led to a punch in the nose, a bloody nose, and some hard feelings, but that was all. Somebody in the crowd had a gun and this young boy recklessly and without thought grabbed that gun just to show how tough he was, pointed the gun at the 13-year-old, pulled the trigger, thinking nothing would happen, and shot that 13-year-old in the head. That shooter, that young man—not a criminal, just a kid rough-housing around in the neighborhood—was so overcome with remorse that he fled to an adjacent backyard and shot himself in the head.

That is gun violence in America today. That is the cost of easy access to firearms. These aren't criminals. These were kids doing something stupid. But because they had guns, it resulted in death and destruction.

We are not kids here. We are supposed to be adults. We are supposed to be responsible. We are supposed to represent the best values and ideals of this country. That means we must stand up and vote on measures such as this juvenile justice bill.

I ask on behalf of the 12 children killed each day by gun violence that we bring this conference bill back to this floor with those reasonable gun control measures included. Someone has to speak for them. Someone must speak for them. Someone must demand these measures come before the Senate.

We cannot continue to listen to the siren song of the NRA in this Chamber. We cannot be hypnotized by all the spin and the hype and all the misinformation and misdirection. We have to respond to the reality of kids easily getting handguns and unwittingly and, tragically, killing each other.

We have a country in which the homicide rate by handguns far surpasses that of any other country in the world. In Japan, in 1996, there were 15 people killed with handguns, in a country of 126 million people. That is 1 person in every 8.4 million. The ratio in the United States? One person out of every 27,000. What is the difference? Cultural? Genetic? Demographic? They have gun laws that make it difficult for anyone and everyone, willy-nilly, to own handguns.

It is the same story the world over. Canada, perhaps the country closest to us in culture, in demographics and ethnicity, is also a country that had a great frontier, a country that had the same kind of challenges we had opening up their great west. It is a country of outdoors men and women; it is a country, in many respects, with the same cultural values we have. Yet in that country, in 1996, 106 people were killed out of a population of 30 million. That is 1 person in every 284,000—many, many, many times fewer people killed by gun violence in a country so similar to ours. The difference? Once again, they have sensible laws that govern access to handguns.

We could go on and on. But as long as a criminal can walk into a gun show and buy a gun without a background check and walk out before any type of check can be done, as long as kids can get access to firearms without safety locks on them so they can use them, as we have seen happen too often, as long as it is harder for a kid to open a bottle of aspirin than it is to shoot a gun, because we have childproof tops on aspirin containers, we are going to have these problems.

It is our responsibility to act. It is our responsibility to stand up. We have not done that. Time is drawing close to April 20, 1 year after Columbine. I cannot think of a better way, not only to memorialize the victims of that shooting but to give meaning to that senseless tragedy, than for this body and the House to send to the President a gun control measure that will provide the sensible, reasonable controls that are so critical.

I see the Senator from California. There is no one in this body who is not only sensitive but more forcefully engaged in this effort than my friend and colleague, Senator BOXER, someone who I am proud to say will cosponsor this resolution, someone I am proud to say will continue her valiant efforts to lead the way for sensible gun control in this country.

I yield the floor.

Mrs. BOXER. Mr. President, how much time remains in the morning business period?

The PRESIDING OFFICER (Mr. ENZI). Thirty minutes remains under the control of Senator DURBIN.

Mrs. BOXER. I will take 60 seconds at this time, and then I will yield to Senator DASCHLE, who will speak on his leader time. I am so proud he has come over to the floor.

I wish to say in this minute, before my friend from Rhode Island leaves, what an amazing addition he is to this Senate. I say that from the bottom of my heart. I served with him in the House and he was a great House Member. I predict he has an unbelievable future in the Senate. Why do I say that? Because he has courage, because he has conviction. He is not afraid to take the floor on issues that are difficult; to take on, perhaps, some of the special interests that, believe me, do not take kindly when you stand up and speak from your heart about issues that impact on their bottom line. In this case, it is the bottom line of groups out there that want us to take no action against gun violence.

We have a plan. We have a great plan that passed the Senate. It is endorsed by so many law enforcement groups and the vast majority of the American people. I can think of no more appropriate speaker than our Democratic leader to tie the pieces together and to talk about why the time is ripe.

I did offer a similar resolution to that of Senator REED. I am proud to cosponsor his. It got 49 votes—49–49. We didn't know that or Vice President Gore would have broken the tie. Next time we will be ready.

I yield the floor, and I will reclaim it when my leader is finished.

Mr. DASCHLE. Mr. President, I will use my leader time and allocate that time to my comments on the floor this morning.

Let me begin by acknowledging, as well, the extraordinary leadership, not only of Senator REED, but of Senator BOXER. Everything Senator BOXER has said about Senator REED is a view that I think is shared by Republicans and Democrats alike. He has come to the Senate and in a very short period of time established himself as an authority on a number of key issues, including education and defense matters, as well as now, on neighborhood safety. I applaud him again for taking the leadership, as he has.

Senator BOXER, on this, as well as on so many other issues, comes to the floor, grinds it out, and speaks as passionately and as eloquently as anybody in this Chamber. It is an extraordinary privilege to work with her as well.

I have heard the proposal made by the Senator from Rhode Island that we set for ourselves a date by which we must act with respect to juvenile safety, and that we choose a date that we all ought to remember—April 20th. Last year, that date, the date of the Columbine tragedy, triggered our commitment to better safety and prompted the Senate to act. We left with an expectation that, as a result of that action in the Senate, things were going to happen, that we could send a message of hope to the people of Colorado and to the people of this Nation that we will not tolerate the violence that exists in this country. We sent the message that we will respond to tragedy with careful, commonsense approaches that will make schools and neighborhoods safer, such as balanced gun legislation. That is what we said and that is how we voted. We are on record as having supported such commonsense legislation.

In poll after poll, it is remarkable the degree to which the American people support the actions taken by the Senate and the amendments offered by our Democratic colleagues. It is overwhelming.

There has been a sea change, an attitudinal progression on this issue in the country—a sea change. I represent a Western State where, after you are born, on your first or second birthday, virtually, you get a shotgun—because that is what we do. I am proud I have shotguns. I love to go hunting. I love to walk and take in nature in all of its splendor in the fall. That is part of the culture of the West. It is a part of the culture of growing up in South Dakota of which I am very proud and I love. I will defend it, and I will work to ensure that my children and grandchildren and great grandchildren have these same experiences.

But there is a difference. That difference is becoming even more extraordinarily evident as we read about experiences such as we read this morning in the Washington Post, an agonizing description of what kind of setting created this despicable act in Michigan. A young boy, 6 years old, takes a gun, walks into a school full of children, his school, picks out a girl, says, ''I don't like you,'' and shoots her to death. That story generated a front page article and a spread, inside the paper, of two full pages—and it should have. Why? Because this incident illustrates the magnitude of the torturous existence that now is becoming more and more prevalent all across this country in schools and in neighborhoods.

But you could put that kind of story on the front page of the Washington Post every single day. It happened in Michigan, but it happened yesterday somewhere else. It happened in Rhode Island shortly after that. It happens every day. Those of us who appreciate the culture of a good pheasant hunt recognize there is a huge difference between that and the disastrous consequences of this proliferation of guns that now has become a real threat to the safety and well-being of children in virtually every school in America today.

All the Senator from Rhode Island is suggesting is that at long last we say: Look, we've talked enough. Let's act. We took the first step last May. We expected that we would take additional steps. We have not. We have talked. We have positioned. We have wrung our hands in agony as one shooting after another has been pasted on the pages of every single newspaper in the country.

The litany of additional Columbines has continued all across the country. These new shootings may not have claimed as many lives. But they are tragedies nonetheless. They ought to trigger action.

Let us act. Let us meet in conference and work through our differences so that we can finally say: We are not only going to talk about this. We are going to do something about it.

We recognize that passing the modest gun safety measures in the Juvenile Justice report will not completely solve the problem of gun violence. There may be other things that can be done. I am very grateful to HUD Secretary Andrew Cuomo, and others in the administration, for having worked out a remarkable and historic new agreement with Smith & Wesson.

What a statement: for Smith & Wesson to acknowledge that guns are inherently dangerous, and that they are going to do something about it. Regardless of what their motivation may be, the fact is, they are going to do something about it. In making this commitment, they are setting a precedent. I would love to see every gun manufacturer follow Smith & Wesson's lead. It is common sense.

I have long admired President Ford, for many reasons. My admiration for him increased again this past week when he spoke about the need for this Congress to respond in a commonsense way to the gun violence that is claiming too many of our children.

The American people are looking to us. They want to know that we hear them. They want us to give them some hope that we can solve the real problems facing families and communities—not only in Columbine, but in South Dakota, Michigan, Rhode Island, California, and all across America. The American people want to know that our democratic process works.

In these days before the first anniversary of the Columbine tragedy, we ought to take President Ford's wise counsel to heart. For the sake of our children, we need to come together and pass common-sense gun safety laws.

I yield the floor.

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

Mrs. BOXER. Mr. President, I thank my Democratic leader for his comments and his continual leadership on

the gun issues that impact the people of our Nation.

I want to set into the RECORD a series of facts, a series of statistics, a series of numbers. I know sometimes when you lay down a series of numbers such as this, people's eyes glaze over and they lose track of what you are talking about.

I urge everyone listening to this to think not about the numbers so much as the people behind the numbers.

In the year 1997, which is the last year for which we have statistics, 32,436 people died from gunshots in America—more than 32,000 people. I want everyone to think about what it would mean to you if any of these 32,000 people were from one of your families, what it would mean to you if it was your dad, if it was your mom, if it was your child, if it was your grandma, if it was your grandpa.

Twelve children die every single day from gunfire. Actually, if you average it out, it is between 12 and 13 children under the age of 18—each and every day.

Our children are dying. And what are we doing? We are dithering around doing nothing about it.

I understand that this week we are going to take up a flag desecration amendment. There are those who believe we need to protect the flag by authoring an amendment changing the Bill of Rights for the first time in our history to specifically spell out an antidesecration flag amendment. I will be supporting a statute, a bill, to protect the flag. I do not think we need to go to such a step as amending the Bill of Rights. But be that as it may, flag desecration is an issue.

In over 200 years, there has been an average of one flag desecration a year, and we are acting again. Mr. President, 32,436 people died in 1997—in 1 year—and we are doing nothing. Why can't we protect the flag and take care of protecting the people? Why can't we protect the desecration of the flag by a statute that is easy to do and then bring up the juvenile justice bill and protect the thousands of people who are dying each and every year? What about the desecration of the children, of the families?

In the 11 years of the Vietnam war—one of the most tragic periods in our history—58,168 fine, wonderful, glorious Americans died in combat. There is a number, a number that is enshrined on the wall on that beautiful memorial down here that we all go to often—and we should go to often—to pay our respects. It was a war that destroyed so many families; and so many veterans who came back then committed suicide because of that war. It was a time in our history when our country came to its knees; 58,168 Americans died in Vietnam over an 11-year period. Let me tell you how many Americans have died over an 11-year period from gunshots not related to any war: 395,441 Americans.

Mr. President, 58,168 Americans died in the Vietnam war; 395,441 Americans died from gunshots in an 11-year period. What are we doing about it? Nothing. That is the equivalent of almost seven Vietnam wars over an 11-year period. What are we doing about it? Nothing.

We hear the NRA President say: We should do nothing. His answer is give more guns to people.

For every American who dies from gunfire, another three are injured.

Over that 11-year period, we have almost a million people injured from gunfire. They could be paralyzed. These could be very serious injuries, and sometimes they are. Fifty people killed or injured in school shootings in America in the last year. Thirty-one percent of children age 12 to 17 know of someone their age who is carrying a gun—gun-packing children. We are to blame. They are not to blame. We are the grown-ups. We set the rules. This is a society of law and order. What are we doing about it in the Senate? Nothing.

Fifty percent of children age 9 to 17 are worried about dying young. What kind of America do we have now? When I was growing up, I didn't think I was going to die young. I thought I was going to go to school, get an education, have a family, work, have a life of fulfillment. I never thought for one minute that that could all be ended by a gunshot from a friend, a classmate on the street, in a McDonald's, in a drive-by shooting, road rage.

We had better face our problems. We have the greatest country in the world, but we have problems. We need to face them. We are not here to ignore problems. We are not here to say everything is great. We need to act on our problems. This is a problem.

Listen to the law enforcement groups that back us on this when we say bring out the juvenile justice bill.

The juvenile justice bill; that is the one bright spot. We passed it in a bipartisan fashion about a month after Columbine, with AL GORE casting a tie-breaking vote on one of the most important amendments. This is what we passed.

We closed the gun show loophole—Senator LAUTENBERG's amendment—that allowed criminals to walk into a gun show and simply get it. He could be crazy. He could be a felon. He could be intending to kill people on the street, to kill people in a school, to harm himself. He could walk into a gun show without having a background check. But if he went into a gun store, he would have to have a background check. All we did was close that loophole. What is the Senate doing about it now? Nothing. It is languishing in the committee.

We banned the importation of high-capacity clips which are used in semiautomatic assault weapons. That was Senator FEINSTEIN's amendment, a very important amendment.

We prohibit the domestic manufacture of those clips, but the importation continues. These clips are coming in. We simply say: End that importation. We passed that.

We passed the Kohl amendment requiring that child safety locks be sold with every handgun.

We passed the Boxer amendment which required the Federal Trade Commission and the Attorney General to study the extent to which the gun industry markets its products to juveniles. These companies are manufacturing guns that resemble toys, that are sold to youngsters and get them interested.

We made it illegal with the Ashcroft amendment to sell or give a semiautomatic assault weapon to anyone under the age of 18.

Five amendments, we passed them in a bipartisan way. They went off to conference, and they have been languishing for now 9 or 10 months. It is the same with Senator REED's amendment.

It is time to stop the dithering. It is time to stop bowing to the National Rifle Association and bowing to the gun lobby. It is time to stand up and be courageous, bring those amendments forward, protect our children, and stop the carnage that is happening in our country.

Who supports these five sensible gun control amendments? Senator LEAHY, in his wonderful opening remarks today, put them forward: The International Association of Chiefs of Police, International Brotherhood of Police Officers, Hispanic American Police Command Officers Association, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, the National Sheriffs Association, the National Association of School Resource Officers, the National Organization of Black Law Enforcement Executives.

We cannot have a more diverse group of law enforcement.

We have five important, sensible gun control laws that passed the Senate, that went into a conference committee.

If one reads how a bill becomes law, they know how it is done: A bill has to pass the House; a bill has to pass the Senate. The juvenile justice bills passed both bodies. You then go to the conference committee. Both sides sit across from each other and talk about what belongs in the bill. They bring the bill forward, and we vote up or down. This bill has languished for 10 months.

Now, what is some good news? Senator DASCHLE alluded to the Smith & Wesson agreement. Smith & Wesson is the largest manufacturer, if not one of the largest, of handguns. They have made an agreement as part of a lawsuit because gun manufacturers are now being sued for these deaths. They have agreed that all their handguns and pistols will now be shipped with child safety devices. Within 2 years, the handguns will be manufactured with internal locks. If a child picks up a gun and they don't know the combination, they will not be able to turn and hurt anyone—sensible.

Within 1 year, all pistols will be designed so they can't be readily operated by a child under the age of 6. Handguns must pass a performance test. That gets to a bill I have about banning junk guns. They will drop these guns down. They will see if they go off. A lot of these handguns are so cheaply made, they fire when you don't want them to, and when you need them to, they jam up. They are not good products. They are junk guns. Smith & Wesson is going to put forward a test.

Every handgun will be designed with a second hidden serial number so they can be traced in a crime—another very important point. The company will sell only to authorized distributors and authorized dealers who adhere to a strict code of conduct. That means they will perform the background check. They will make sure the person coming in is not inebriated, is not high on drugs, doesn't have a criminal record, isn't under age. They will not sell any gun at any gun show unless every seller at the gun show conducts a background check. They will not sell their guns until that background check is completed, and they say it may well take 3 days.

They will not sell any high-capacity magazines or semiautomatic assault weapons. They will not sell products to anyone who has not taken a certified firearms safety course. And Smith & Wesson dealers will only allow purchasers to take one gun with them at a time.

They will have to wait a couple of weeks before they get their other gun. The company will devote 2 percent of its revenues to development of smart guns and within 3 years the smart gun technology, which allows only the authorized person to shoot it, will be in place. All new models will not be able to accept magazines with a capacity of over 10 rounds. There will be an oversight commission to enforce this, which will include representatives from the city and State governments, and one from the gun industry.

So what I have laid out in this presentation, first of all, is the facts on violence in America—irrefutable facts. I give these facts out and my colleagues come up and say: Could this be true? Could it be true that in 11 years more than 300,000 Americans have been killed by gun violence? Could it be true that every day 12 or 13 children are killed?

They can't believe it. And we send the facts to the Centers for Disease Control. We send them to the people who keep these terrible statistics, and they come back to me and say: Senator, you are right. We doubted you. We are sorry. We can't believe this is happening in America today. But it is.

So we have laid out the data, the facts on gun violence in America. We have laid out the five gun provisions languishing in the conference. Commonsense gun control that passed this Senate in a bipartisan way is suddenly being smothered over there in the conference committee, and we can't get it to the floor of the Senate and the House.

Day after day we read about 6-year-olds shooting 6-year-olds, 10-year-olds shooting 10-year-olds, 12-year-olds shooting 12-year-olds.

We don't deserve to be here if we don't do this. We don't deserve to be here, let alone be reelected, if we don't do this. The Vietnam war brought the country to its knees. We lost 58,000 people-plus in that war. It was a most tragic period of time. I remember that time. But we now have 300,000 people-plus dying from guns in an 11-year period compared to 58,000, and we sit here dithering around doing nothing while law enforcement tells us to please act. ''We are outgunned,'' they tell us. ''We are losing people. We are losing this war.'' We have a war in our streets. I laid out the organizations that are backing these five sensible amendments.

Finally, I laid out the good news of the Smith & Wesson agreement. I call on every single gun company that wants to stay in business to go ahead and duplicate what Smith & Wesson has done. I thank them for acting. They are taking the heat for acting. I think Senator DASCHLE is right. Maybe they acted only because they had a lawsuit. Maybe they acted only because they thought they would go bankrupt if they didn't act and people would continue to sue them. The fact is, they acted; they acted on each and every point we have made on this Senate floor.

So, yes, we are going to see flag desecration brought up. We know over the last 200 years there has been one flag desecration a year on average, while every day 12 children are killed by guns; and over the past 11 years 300,000-plus Americans have been killed, and we do nothing. The juvenile justice bill is languishing—languishing—in the committee. I call on the Senators who are in charge of that conference—and they are my friends—to break the log-jam and bring this legislation to the Senate floor. It passed with a bipartisan vote. Overwhelmingly, people want us to do it.

The Smith & Wesson agreement proves the point that the time is ripe for these measures. I say if we do it, we will be proud; we will have done something to protect our children, protect our people, protect our communities, and turn around a blight on our country at a time of great prosperity and great hope.

I see the Senator who has done such an amazing job in the Presidential race. I welcome him back. I thought the issues he raised were vital. I am glad to see him back, and as a result of his appearance on this floor, I am happy to yield at this time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my colleague from California for her kind remarks. I appreciate, obviously, the time that I was able to spend in her great State. I hope she appreciates the economic input that our campaign made, and I hope I can get some rebate from the numerous campaign commercials we purchased in her State. I thank her for the hospitality shown to me by all of the citizens of the State of California.

KOSOVO

Mr. MCCAIN. Mr. President, this Friday marks the first anniversary of NATO's air campaign to drive Serbian forces out of Kosovo. I want to speak briefly this morning about the current situation that, regrettably, remains, in the words of the respected newsmagazine, The Economist, ''a mess.''

Reports over the weekend that General Reinhardt, the KFOR commander, believes that peacekeeping troops will likely need to remain in Kosovo for ten years or more have, I am sure, given my colleagues more than just cause to worry over the wisdom of our continued involvement there. That is more than understandable, given the divisions among NATO peacekeepers, and our allies' frustrating reluctance to meet their commitments to the international police force in Kosovo; considering the U.N.'s predictable difficulty in rebuilding something approaching normal civilian live where ethnic hatreds are as deep-seated as ever; and considering that the malevolent Mr. Milosevic continues to make trouble whenever and wherever he can.

Surely, the United States needs to be much more forceful with some of our allies who assume that the United States will always compensate for the deficiencies of their resolve and accept a greatly disproportionate share of the burden of stabilizing the Balkans. Most importantly, we must insist, and I emphasize that verb, that we have the full support of our peacekeeping partners in opposing Serbian efforts to foment further violence in Mitrovica and elsewhere. One of our allies sometimes appears to act, in defiance of the facts on the ground and the dictates of conscience, as a protector of Serb aggressors. Our other allies in KFOR should help us persuade our badly mistaken friend that such an attitude is a terrible impediment to KFOR's success.

This does not mean that the United States must end or threaten to end in the near term our participation in KFOR. Despite the unacceptable circumstances of the weak and endangered peace in Kosovo, it is infinitely preferable to the widespread atrocities committed during the course of Serbian aggression, atrocities that would surely reoccur were NATO to fail in our current mission. But our partners in peace can be persuaded by strong American leadership that the American people will not tolerate indefinitely Europe's inadequate commitment to peace and stability in their own backyard.

Mr. President, I do not mean to overlook or minimize in my discussion the

challenges to peace created by ethnic Albanian extremists. We must be resolute in opposition to any threats wherever they occur. But it is a grave mistake to forget that nearly all the violence and instability afflicting the Balkans over the last decade originated in the unspeakable inhumanity of Belgrade's aggressors.

The problems in the Balkans are, for the most part, attributable to the Serbian regime, led by an indicted war criminal who continues to hold onto power despite overwhelming public sentiment against him. At any time, he can be expected to foment conflict in Kosovo, Montenegro, or in Bosnia. That the domestic opposition to him has been divided and anemic does not detract from the legitimacy of those who seek his removal from power. In every respect, his is the rogue regime that constitutes the greatest threat to regional peace, just as Saddam Hussein does in the Persian Gulf and Kim Jong Il does in the Korean Peninsula.

The Senate's passage last November by unanimous consent of the Serbian Democratization Act was an illustration of the extent of Congress' commitment to democratic change in Serbia as the necessary condition to lasting stability in the region. We should never forget that, for all the long and sad history of conflict in the Balkans, it was only when dictatorial regimes sought to exploit ethnic divisions did conflict overwhelm peace. The recent election of a liberal government in Croatia has greatly benefited the situation in Bosnia. Only through similar change in Serbia will a lasting peace begin in Yugoslavia. United States policy in the Balkans, and in Yugoslavia in particular, must be focused on affecting the democratic transformation of Serbia that the Serbian people themselves desire.

Final passage of the Serbian Democratization Act will be an important step in the right direction. In the meantime, there must be no lifting of the sanctions on Serbia, and no repetition in Montenegro of what occurred in Kosovo—vague and unbelieved threats to prevent the kind of ethnic cleansing we are now spending billions of dollars to reverse.

In the days ahead, Mr. President, I hope to work again with my colleagues and with the administration to help focus United States policy on achieving the goals in the Balkans that are important to protecting both America's interests and values in Europe.

Finally, on a personal note, if I may, Mr. President, as has probably been noted occasionally, I have been absent from the Senate for some time. I will not burden my colleagues with a full discussion of how I spent my time away and what I learned from the experience. Nor do I think the floor of the U.S. Senate is the proper place to discuss in detail my personal feelings or political plans. However, Mr. President, I would like to say a few words about the great privilege we all share, the privilege of serving the greatest nation in history.

I have enjoyed that privilege since I was 17 years old, and I consider myself fortunate beyond measure to have done so. This country and her causes are a blessing to mankind, and they honor all of us who work to make America an even better place, and America's example a greater influence on human history. I felt that way before I ran for President, and I feel that way today. And although I have lost my bid to be President, I will never lose my appreciation for the honor of serving America in any capacity, and for the good will and confidence of the people of Arizona who allow me to serve in the U.S. Senate, a body that has seen the honorable service of so many more distinguished Americans than the flawed man who addresses you now.

I have nothing but gratitude to the American people for the privilege of serving them and for their consideration of my candidacy for President. I have incurred a debt to them that I doubt I can ever fully repay. But I intend to do what I can, working with my congressional colleagues, Republicans and Democrats, to help bring about the changes to the practices and institutions of our democracy that they want and deserve.

These reforms, Mr. President, are not ends in themselves. They are means to a much more important end. They are intended to sustain America's pride in the way we govern ourselves, and in the end to remind us all, those of us lucky enough to serve and those who elect us, what a special thing it is to be an American. I was reminded of that every single day of this campaign by Americans, those who supported me and those who did not, who wanted little for themselves individually, but simply for our country to remain, what she's always been, ''the last, best hope of earth.'' I will never forget it.

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

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

Mr. BROWNBACK. Mr. President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas has up to 30 minutes.

THE MARRIAGE PENALTY TAX

Mr. BROWNBACK. Mr. President, what I want to spend some time on this morning is a very important matter that is coming up before the Senate shortly—a taxation issue the House has already passed. It is a tax a number of us have been working to get rid of for years. We are within sight of getting that done now, but we do have to get it done. People in this body could still block it from happening. I want to make sure we get it through, and that is the elimination of the marriage penalty tax.

I have spoken about it on the floor a lot of times, perhaps too many. But we are so close to finally getting this done for the 21 million American couples who pay this tax that we really just have to see it through. What I am most fearful of is, once we get the bill out of the Finance Committee—they are working on it now, to eliminate this marriage penalty tax—it will come through the Finance Committee, it will be a good bill, it will do much to eliminate the marriage penalty tax—not all of it but much of it—but we will get it up on the floor and someone will say, ''No, I don't want to get it through,'' or, ''Yes, I agree with you, but it has to have this rider dealing with pharmaceuticals for Medicare patients,'' or dealing with minimum wage or dealing with some other issue that is extraneous to this important signal we send to America.

I want us to get this bill through this Congress. It has cleared the House. The House has done its job. It is now in the Finance Committee in the Senate. We will soon have it here on the floor. Let's take it up, let's pass it, let's give it to the President, and do it before April 15 so the President can have that, so we can give some notion of relief to working couples across this country.

Senator ASHCROFT and I and Senator HUTCHISON of Texas have been working on this issue for some time. This past week, while we were not in session, Senator ASHCROFT and I held a press conference in Kansas City. We had four couples from Kansas who are currently paying the marriage penalty tax. They think it is ridiculous. They think it is a bad signal we send. One gentleman there, one husband, stated he and his wife did not get married for 2 years because of the marriage penalty tax. They were in college at the time. They knew they wanted to get married, but they thought, they could not afford to do this because they would have to pay roughly, in their case, about $600 more a year in taxes if they got married. They were in college and they said: We can't afford it; $600 is important; we cannot afford to do this. So they didn't. But they were not happy they were forced by their Tax Code not to get married.

You would think, actually, we would be giving them $600 to get married. This is a positive institution. It is something that is important for the country. It is a clear signal of support for family values, which we all say we are for. We ought to at least send that positive signal, but we don't. Those are four families, each of them who could use the average of $1,400 a year that most couples pay in a marriage penalty.

Those are only four, though, in Kansas. I want to show with this chart, we

actually have 259,000 couples who are paying this marriage penalty tax. What we are talking about eliminating is this portion of it, the marriage penalty that actually exists about 66 different places in the Tax Code. So we are going to have a lot of other places we need to ferret this out.

At the end of the day, I hope we sunset this Tax Code, reform the whole thing, go to a flatter, simpler, fairer system. But that is for another time.

I want to point out, for Members or others who are watching, how pervasive this marriage penalty tax is in their States. You can go down any of the States here: In Wyoming, where the Presiding Officer is from, 45,336 couples pay a marriage penalty, a tax on being married. That is in Wyoming. You can go anyplace. In Connecticut, 347,306 couples pay that; in Washington DC, 27,117. Go to the big population States, there are more there: New York, 1.5 million; California, 2.752 million couples paying a marriage penalty tax. It is all across the board, all across the country, that couples, for the privilege of being married, pay this tax.

People know about it. Now we are seeing public opinion polls that show people know they are paying a tax for the privilege of being married. As my colleagues can see, this is not an issue that just affects a few people in a few States; it affects America's working families. It simply must be corrected this year.

I say to my colleagues, do not hook any riders to this bill that will kill it and then say you are for eliminating the marriage penalty tax. If you hook riders to this bill that will kill it, you are against eliminating the marriage penalty tax.

Further, I point out to people, the marriage penalty tax affects America's children. I have many letters from people which demonstrate that. In fact, Gary and Charla Gipson commented in a letter they wrote on this subject:

> If we are really interested in ''putting children first,'' then why would this country penalize the very situation (marriage) where kids do best? When parents are truly committed to each other, through their marriage vows, their children's outcomes are enhanced.

I do not want to take the full length of time to talk about this bill today because we have talked about it enough in the past. But I do want to make sure people understand that this does affect two-wage earner couples making between $20,000 and $75,000 a year.

Clearly, we need to make the elimination of the marriage penalty tax a priority to help all of these families, not just a few. The House bill does much of this. I think we can put forward an even better bill in the Senate that takes away more of the marriage penalty tax than even the House version does.

America's families deserve this break. I would like to be able to tell my families back in Kansas that, yes, this Congress does stand for family values. One of the things we are doing to help support these families is eliminating the marriage penalty tax. It is a good and positive and right signal that we can send at a time we are having so much trouble with families.

I just came from a Commerce Committee hearing where we were talking about and had testimony regarding the impact of interactive violent video games on children. There the concern was the increased level of overall violence in this society, and even the interactive nature of it in video games and its negative impact on children.

Constantly, people in that hearing were saying: I hope parents know what video games their children are playing. We hope the parents are working with their children and communicating on this issue. In each case, they were talking about the role and the need and the importance of parents and their active participation.

What better signal can we send than to say we believe that is true and we are not going to penalize you for being married parents. We are not going to penalize you for being in that situation. We are going to remove this marriage penalty tax and let you keep an average of $1,400 per year. We have a chance to pass this legislation. We have the time to do it. This is the appointed hour for us.

I also want to send a signal to the President that I think we are going to get this bill through this Senate. We have gotten it through the House. I am calling on the President to sign this bill, sign the marriage penalty tax elimination bill, and not to obfuscate the issue or say that it is about something else or it is too expensive. If it is too expensive for Government, imagine how expensive it is for these 21 million American couples who are out there paying this extra tax.

Is it really too expensive for us to invest a little bit of money in these working families to encourage them, to support them, to say they have the most important task in America; that is, raising our next generation? We should be saying to them: You deserve a break today. You deserve to be able to have this support coming to you from this Government instead of being taxed. You should be supported.

If anything, we should subsidize the family situation rather than tax it.

Mr. President, please sign this bill when it gets to you so we can do away with this onerous burden.

There may be other colleagues who will come to the floor later to talk about this issue but at this time that is the extent of my comments on this particular topic.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, for the last 3 months I have come to the floor of the Senate on more than 20 occasions to talk about the need for this Congress to pass legislation that would cover senior citizens' prescription drug needs under Medicare. I have said again and again that this country can no longer afford not to cover prescription drugs.

Before we broke for the work period at home, I talked about a case, for example, from Hillsboro, OR, of a senior citizen who had to be placed in a hospital for more than 6 weeks because he could not afford his medicine on an outpatient basis. Just think about that wasted money. The older person could not get help on an outpatient basis for his medicine, and the doctor said we have no choice but to put that person with a leg infection in the hospital so he can get prescription drug coverage under Part A of the Medicare program.

Today, I brought with me a letter from an elderly woman in Phoenix, OR. She receives $1,100 per month in Social Security. Her prescription drug bills run $1,000 a month. She is 74 years old, and she wrote me: What can you do to help?

I think it would be a tragedy for this Congress to not go forward on a bipartisan basis and enact meaningful relief for the Nation's older people who are getting clobbered with these prescription drug bills. Again and again, we are hearing from seniors in these instances where they have been hospitalized because they could not afford their medicine on an outpatient basis, where when they are done paying for their prescription drugs for the month, they have only a couple hundred dollars left to pay for food, heat, and housing. In a country as strong and prosperous as ours, we can't allow this kind of tragedy to continue. I think it is absolutely critical that this be addressed on a bipartisan basis.

For many months now, I have teamed up with the Senator from Maine, Ms. SNOWE, on a bipartisan bill. We use marketplace forces to ensure that older people have bargaining power in the private sector to be in a better position to afford their medicine. Right now, these HMOs get big discounts; they have lots of clout in the marketplace—HMOs and the private sector plans. If you are an older person who walks into a local pharmacy, you in effect have to subsidize those big buyers. You get shellacked twice. Medicare doesn't cover prescription medicine and, in effect, in the marketplace you subsidize the people with clout.

The Snowe-Wyden legislation uses private sector bargaining power, along the lines of what we have in the Congress with the Federal Employees

Health Benefits system, so that the dollars seniors use for private health insurance are pooled, and they have real negotiating power so they are in a position to get more reasonable prices for their medicine.

Some have said we ought to just put the Government in charge of this, sort of have rate regulation. Well, I think that would be a big mistake. The biggest concern I have about that approach is it would cause a lot of cost shifting. You could have the Government be the big kid on the block and drive the system through the Health Care Financing Administration, but you would put all the costs onto somebody who is 27 or 28 and is working hard trying to get ahead, and their prescription drug bill would have gone up because the Congress didn't address this Medicare issue in the right way.

Fortunately—and I think he deserves enormous credit—Senator DASCHLE has been working to try to reconcile the various approaches. He has talked with me about this issue, almost on a daily basis, in an effort to try to have the Senate come together and enact meaningful relief. He stakes out principles that I think can be supported on both sides of the aisle—principles such as making sure the program is voluntary, that no senior citizen be required to do anything; if they wanted to keep their current coverage, they would be allowed to do that. We want to make sure the action we take on prescription drugs is consistent with long-term Medicare reform. I think the approach I have advocated, in terms of creating more choices and more options in the marketplace, is consistent with responsible Medicare reform.

We have talked about bargaining power in the private sector, the way the responsible private insurance companies have acted. I think that is something that will attract Members on both sides of the aisle. I think Senator DASCHLE is absolutely right in terms of trying to bring the Senate together to find the common ground and pass meaningful legislation.

We will have a chance this week to make the first significant step in the Senate toward passing this legislation. As the Budget Committee meets—and I sit on the Budget Committee, and Senator SNOWE sits on the Budget Committee—we will have a chance to ensure that in this budget, which is not just facts and figures but, really, the hopes and aspirations of the American people—we, in effect, set aside the funds needed to go forward and enact a meaningful prescription drug program for the Nation's older people.

I don't want to see this Congress adjourn without making this important addition to the Medicare program. There is not a single expert in the health field—Democrat or Republican—who doesn't believe that if you designed the Medicare program from scratch today, you would not cover prescription drugs. They all think it is something that is essential to meaningful Medicare reform. I intend to keep coming back to this floor again and again and again throughout this session of the Congress to talk about prescription medicine.

For about 7 years, before I had the honor of being elected to the other body, I was director of the Gray Panthers at home. We believed that prescription drug coverage in Medicare was important then. But, frankly, it is vastly more important now because the drugs of this century essentially aren't just drugs that, as we saw back then, are primarily to help people when they are sick; the new drugs are absolutely key to helping folks to stay well. They help folks to lower blood pressure and cholesterol. It is a way to hold down Medicare costs. Because of the result of folks being able to stay healthy, they don't land in the hospital and incur enormous costs that are engendered by Part A of the Medicare program.

I am going to keep coming to the floor of this body to talk about the need for bipartisan action on prescription drugs, to urge the Senate to follow the counsel of Senator DASCHLE. I know Senator SNOWE and others on the other side of the aisle are interested in finding common ground. I am going to keep urging that we work on this issue and not adjourn this session of Congress until we have provided this relief to the Nation's older people. I come again with a whole sheaf of cases of older people who are writing and asking what we can do to help. They are asking Congress to act this year, not put this off until after the election and use it as a political football again.

I think we owe it to the Nation's older people and their families to address this issue, as Senator DASCHLE suggests, in this Congress; that we come together as Members of the Senate to make this improvement to the Medicare program that is long overdue. I intend to keep coming back to the floor of this body again and again and again reading these direct and very poignant accounts about why this coverage is so important until we get this legislation enacted.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 5, which the clerk will report.

The assistant legislative clerk read the title as follows:

A bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, before proceeding to the opening statements, I yield to Senator GREGG who will speak briefly on his proposed amendment. I yield 10 minutes to the Senator.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Delaware allowing me to proceed out of order. I very much appreciate that generosity on his part. I also appreciate his courtesy as we develop this piece of legislation and congratulate the Senator for bringing it to the floor.

Repealing the earnings limitation is a very important step to assist people who have reached eligibility age for retirement to have a better lifestyle. It allows them to work harder, work longer, work at their option versus at the Government's option, and keep the proceeds of what they earn versus losing it because of this artificial reduction in their benefits, which is presently the law under the earnings limitation test.

It is a very appropriate piece of legislation. It is one which I fully congratulate the chairman of the Finance Committee for authoring and bringing forward, and it is something which I have strongly supported for many years. In fact, yesterday I spoke at some length relative to a bill that has been introduced by myself and a number of other Members of the Senate, including members of the Finance Committee, Senator KERREY, Senator BREAUX, Senator GRASSLEY, Senator THOMPSON, and Senator ROBB, along with Senator THOMAS. That piece of legislation is a comprehensive attempt to reform Social Security, to make it solvent for the next 100 years. As part of that comprehensive reform, we included the earnings limitation repeal, which is very appropriate legislation.

However, I do think if it were being done in a perfect world it would be done in a comprehensive reform of the entire Social Security system because we well know Social Security is facing disastrous consequences beginning in the year 2008 when the baby boom generation retires, followed closely by the year 2014 when the system actually starts to run a cash deficit and is aggravated to the point of crisis by the period 2020 to 2040 when we actually run up an absolutely massive deficit which will have to be passed on to the younger generation through tax increases or through a cut to the benefits of the older generation, but it would be a deficit in the vicinity of $7 trillion under the present benefit structure.

We need to address that. We need to address the whole issue of Social Security reform, in my opinion. That is why

I have worked with Members of the Senate to draft this comprehensive bill.

As I said, one element of the comprehensive bill is the repeal of the earnings limitation. That is a very appropriate step and one which should have been taken many years ago, that will be very beneficial for our Nation as our population and the demographics of our population ages so people, as they become older but are still living longer, will have the opportunity to participate in the workforce, be productive citizens without being penalized by the Government and having some of their benefits taken away under Social Security.

As part of the earnings limitation repeal, I wanted to introduce an amendment to address some of the issues of transparency, of disclosure, of telling people in America in plain English what the Social Security system's present economic status is and what it is going to be in the future. The proposal I was going to offer was basically a mirror of the proposal which came out of the professional group which oversees reviewing the Social Security Administration, the Technical Panel on Assumptions and Methods of the Social Security Advisory Board, a board put together as an arm of the Social Security Administration to come up with ideas for how to improve the Social Security Administration.

They came up in November of 1999 with a whole series of proposals as to information that should be made available to the American public. It was not complicated information, and in fact they stressed it should be put forward in plain English terms so Americans everywhere could understand the status of the Social Security system.

But it was important information, such as:

What will the program cost each year? We should know that as an American people.

What is the projected cash-flow deficit in the program? That is another very important fact we should know in deciding how we are going to deal with Social Security.

What are the benefits the system can actually fund? I cannot think of any information that would be more important than that.

What is the impact of all of this on the overall Federal budget? That is another very important point of information.

All this information should be made available to the American public. That is why the Technical Panel on Assumptions and Methods of the Social Security Advisory Board recommended this type of disclosure occur. So my amendment was going to make as part of the law a commitment we would make those disclosures to the American people through the auspices of the Social Security Administration. It is basic information, critical information for people making informed decisions.

Regretfully, I tell the American people that we have a very big problem coming. Maybe there was some resistance because if that type of information were available, people would start scratching their heads, saying, ''Gee, we do have a big problem; maybe we should address it.'' That is the goal I have, obviously—to use this information to energize action and move this Congress, and especially the White House, down the road of substantively addressing the whole Social Security issue rather than this narrow question of the earnings limitation question.

However, having stated the outline of the amendment and having gone into much more depth yesterday, I have been working with the chairman, and he has agreed, to try to work this type of language into some other process where it will not complicate his life on this bill but where it will still be language which will at some point become law and which will effectively address the issues raised by the Social Security Advisory Board so we can get full disclosure to the American people.

I very much appreciate the chairman's commitment to work with me on this. As a result, I have decided not to offer this amendment.

I believe the chairman has requested I yield to him the time which would have been available under my amendment.

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

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wonder if I could detain the distinguished Senator from New Hampshire for just a moment to say how very much I agree, and I am sure this side agrees, with the points he has made, as the chairman has indicated.

In August of 1994, legislation reestablished the Social Security Administration as an independent agency. It had all but got lost in the Department of Health and Human Services. In the Congressional Directory there were more than 200 names between the name of the Secretary and the name of the Social Security Commissioner. It was very much an agency far down and with no real independence. It is now an independent agency. It has a trustees' report that comes out every year—the trustees being the Secretaries of the Treasury, of Labor, of Health and Human Services, the Commissioner of Social Security and two public trustees. It has the Social Security Advisory Board.

Now, after many years, we are sending out each year to every citizen over 25 a statement of how much they have paid into the system and what they could expect to receive as a benefit at the age of retirement and such like—information nobody ever had before. You could get it, but you had to know where to look for it. The kind of openness Senator GREGG speaks of continues this disposition. I hope we will reinforce it. I certainly think we could have language in our report commenting in this regard. I congratulate the Senator for what he has said.

Mr. GREGG. If the Senator from New York will yield, I appreciate those comments. I know the efforts which have been made by the Senator from New York, trying to make the Social Security system solvent. I greatly admire them.

I would say, this information would be in addition to the information that is already available. The Senator from New York makes the point, people are now told how much they should receive in benefits. What they are not told and what this information would tell them is, where are we going to get the money and what are the shortfalls in the Federal Government that will be created by paying those benefits, and isn't that what you should be worried about as a recipient: Where is the money going to come from?

Mr. MOYNIHAN. A fair point.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank Senator GREGG for his statement. I express my appreciation to Senator MOYNIHAN for his statement as well. I look forward to working with the Senator from New Hampshire as well as the ranking member on how to provide the information needed to allow a clear and concise understanding of Social Security. We look forward to proceeding ahead with this proposal.

Mr. President, I ask unanimous consent the remaining time allotted for debate on the GREGG amendment be equally divided, under the control of the two managers.

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

Mr. ROTH. Mr. President, today is a great day for millions of seniors, for their families, and for their employers. The Senate will vote shortly to repeal a provision in the Social Security law that discourages seniors from working, the so-called earnings limit. Repealing this earnings limit is an important step in preparing Social Security for the 21st century.

Social Security is a marvelous program. Now and in the future, both for today's seniors and for our children, Social Security is the foundation of a secure retirement for most Americans. Social Security has lifted millions from poverty and is especially important to women. But the Social Security earnings limit discourages seniors from working. Seniors can have their benefits reduced by as much as one-third as long as they work. As a result, many seniors choose to cut back their hours or stop working altogether.

The fact is, the earnings limit is a part of a bygone era. It is the product of the Great Depression, a time when folks believed that an individual should retire completely and make room for others to work. It is antiquated and antiproductive.

Although Congress has made the earnings limit less onerous over the years, it has worked only too well. In the early 1950s, almost 50 percent of men over age 65 were working. Today,

it is only 17 percent. These numbers are even lower for women. But in the new economy we realize the importance of men and women remaining productive participants in our workforce. In the new economy, we appreciate skill and experience.

Abolishing the earnings limit is not only good for seniors, it is good for America. It is good employment and economic policy. It is also good government. It will improve public service by the Social Security Administration.

Repealing the earnings limit will help strengthen the retirement security of Americans by giving seniors a choice of working longer and saving more.

As Americans live longer, work will likely be more and more important to the financial security of seniors, again, especially for women. Also, seniors who work may be better able to voluntarily delay their Social Security benefits. As a result, they will receive a larger check when they do elect benefits, in effect, by banking those benefits.

Repealing the earnings limit is good employment and economic policy. We live in a world of great new potential and exciting changes. The Internet—the communications revolution—is creating huge new opportunities. Breakthroughs in biotechnology promise longer and healthier lives.

Among all this change, however, there is one constant: Our success as a nation depends on the hard work and talent of our people. Today, we understand economic growth is a function of the number of workers and the productivity of each worker. As a nation, we benefit from more workers, not fewer.

According to Federal Reserve Chairman Alan Greenspan, we are beginning to suffer from a serious worker shortage that threatens our economic expansion. In just 5 years—in 2005—when baby boomers reach retirement age, we will need more older Americans working just to maintain the Nation's labor force.

We do not need disincentives that discourage some of our Nation's most experienced workers from working. Abolishing the earnings limit will allow us to protect the Nation's economic gains of the past 17 years. It will not only help to raise the standard of living for many of our seniors but help keep the strongest economic growth in our lifetime on track. This is a win-win situation.

Repealing the earnings limit has one other very important value: Improving public service by the Social Security Administration. Administering the earnings limit is complex; it is difficult. It costs something close to $100 million per year and is the culprit in the vast majority of Social Security benefit payment errors. These payment errors are a huge source of frustration to seniors. With this legislation, we will now be avoiding that.

Let me also note that there are no long-term costs associated with this bill. No senior receives any greater amounts of benefits. Rather, we simply provide seniors with greater choice over when they receive these benefits.

I am very proud of what the Senate Finance Committee and the Senate itself has been able to accomplish over the past 5 years. We have balanced the budget and have begun to pay down the public debt. We have strengthened Medicare and expanded health care, especially for children and people with disabilities. We have provided new educational opportunities. We have fixed a broken welfare system. We have cut taxes. We have reformed the IRS. We have protected the Social Security trust fund.

With the passage today of the Social Security earnings limit repeal, we will add one more significant accomplishment to this list. Without question, there is still much to do on Social Security reform. But this legislation is a clear and vivid demonstration that we can work together in a bipartisan way to achieve lasting and valuable changes in Social Security.

In closing, let me note that the President has asked for a clean bill, one without extraneous amendments. With the exception of the managers' amendment, which fixes a technical problem with the House bill, we intend to provide that.

I urge all my colleagues to support this bill, to sweep away the earnings limit—a relic of the Depression—and to move Social Security into the 21st century.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, it is a special joy for this Senator, in his last months of his last term, to rise on this subject in perfect unity with the chairman. I will make remarks out of habit and custom perhaps, but I could not say anything better than has been said. I endorse it completely.

The House has done us a service in sending us a bill which we have been working on for years. Just 4 years ago, we increased the earnings limit to where it would be $30,000 by the year 2002. But now this gets rid of it. It is an anachronism. As the chairman said, when we enacted Social Security, unemployment was 25 percent. Sir, it is now 4 percent. The range of skills in our economy was wholly different then. Coal mines were no place for 70-year-olds; computer terminals are. It is as simple as that.

An absolutely important, central point to make is, the repeal of the earnings test has no long-run cost. All of the foregone benefits of continued work were made up later when retirement came, or at age 70. As the chairman has accurately said, calculating that makeup can be fantastically complex and has been costly.

It is the one complaint citizens have with Social Security. They believe they are not getting what is theirs. The adjudication and so forth is a needless waste and an expensive one. With this legislation, the problem will be behind us.

Repealing the earnings test, for those reaching normal retirement, will increase outlays by $19.4 billion over 6 years and $20.3 billion over 11 years, but this is simply the up-front costs of a long-term absolute even outcome. Extra benefits will not be paid because over time it will be, as you can say, a wash. The advantages are so much greater to pass this now when we have some comfort in our budgetary surplus in the Social Security trust fund. It is the right thing to do.

I say, and I think so would my revered chairman, that we would prefer to abolish all earnings tests for all retired workers. Right now, people can retire at age 62 and receive benefits, and there is a corresponding diminishment thereafter. We could get rid of all that very readily. But it is not before us today. Sufficient unto this day is the work we will have done.

I will leave it there, sir. I have some comments, but I will not go much further.

There are those who say: If you let people retire early at a lower level of benefit, they will do so. Then, later on their spouses will be deprived, and so forth. That is an argument I am not sure is appropriate to social insurance.

It is a fact that three-quarters of all persons now retire before age 65, which argues, I think—and I don't know why we can't learn more about this; we can if we would try—that Americans are pretty well off. They are in a position to do so, and they opt for it. We must keep in mind we are talking about social insurance. It is not for us to judge the behavior of the citizens who have paid into a system and are being paid back by it.

I think the finest summation of this was made by Winston Churchill in 1911. He was then a member of Parliament from the Liberal Party, and it fell to him to manage, as we are managing here, a system of unemployment insurance which we would get to in 1935 as a title in the Social Security Act. It took us another generation.

Churchill at that time was met with the argument that if you gave unemployed workers a benefit, an insurance benefit—they would pay into the system, the employer and the workers—that they would spend the money on drink. He said: ''Well, yes, perhaps; it's their money.'' He was not one much given to the ''nanny state,'' as I think the term was in these years.

It is not for us to judge how wisely people will exercise their options. They are their options. Today we have freed up the system, making it more comprehensible and saving a lot of administrative effort that is really, again, not productive.

I look forward to a good debate. I see my friend from Nebraska on the floor. He has been hugely influential in the discussion and debate about these matters in years past. I know he will be now. I look forward to listening with close attention to his comments.

With that, I thank the chairman once again and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, did the chairman rise to speak again?

Mr. ROTH. We did have Senator KYL coming down to speak next, going back and forth.

Mr. KERREY. Is he arriving here imminently?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, I intend to vote for this piece of legislation. I think it is good and needed legislation. But I don't think anybody should be deluded as to why we are taking it up.

I remember the Boskin Commission. A number of years ago there was a question as to whether or not the CPI was overstating the actual cost of living for seniors who were eligible either for an old age, a survivor, or a disability payment. There was a question as to whether or not it was overstated. So we impaneled this commission to evaluate whether or not it was overstated. They came back and said, yes, it was overstated by a point, 1.1.

Out of 535 Members of Congress, maybe 20 people declared they were willing to vote for a 1.1-percentage reduction. If Boskin had come back and said it was understated by a point, there would have been 535 votes for it just like that. Nobody would have minded messing with the Bureau of Labor Statistics. Nobody would have cited philosophy, et cetera.

We are a Congress that has been talking about Social Security reform, saving Social Security first. The President had a year's worth of discussions. We have been talking about this for several years now. It is not rocket science. Social Security is not a difficult problem to figure out. It is not like health care. Medicare is very complicated. Teenage violence is very complicated, as is the disintegration of the family. There are a lot of issues which are so complicated that it is hard to come up with an answer. But this one is not.

What happened is, from 1983 until approximately 12 months or so ago, the Social Security system was generating some assistance to us in reducing the size of our deficit. So when the Social Security transaction to purchase bonds occurred and the Treasury ended up with some cash, they used the proceeds to pay for general services of the Government. Very few people objected to that, so long as it was helping us.

Well, now we are into a surplus. All of a sudden you can't do that anymore. All of a sudden we find ourselves in a position to be able to take care of the earnings test.

I will make it clear. I am for ending the earnings test. The Senator from New York and I have a piece of legislation that will eliminate the earnings test all the way to 62. Our proposal brought a problem to the surface. This bill has not been heard by the Finance Committee. We have not considered some of the problems that may be created as a consequence of taking this action.

Members should understand that the earnings test isn't just a deduct. It is also an add-on to future benefits. That is why it doesn't cost us anything over 20. Over 10, it costs us $22 billion. Over 10 years, this proposal costs us $22 billion. If I came down and proposed a $22 billion add-on for Americans under the age of 5, there would be a budget point of order offered against it. But because it is for Americans over the age of 65, for some reason, there is silence on that point.

I can't quite figure it out. Maybe a colleague will be able to tell me why no budget point of order was filed against a proposal to spend $22 billion more on people over the age of 65, where there would be if one were to be filed on people under the age of 5. I am sure there is an explanation for it. I am not smart enough to be able to figure it out.

A consequence of this is going to be largely good. Under Social Security, we have an old age, a survivor, a disability, and a medical benefit called Medicare and Medicaid. The old age benefit is the one to which we are referring. I believe Americans who are over the age of 65—that is who this affects. Eighty percent of all new beneficiaries take Social Security benefits at 62, 63, and 64. So this affects the 20 percent who wait until 65. They are going to have to measure whether or not this is going to be good for them. For most of them, it will be good. For most of them, they will be able to say: Well, I am not likely to be living long enough to benefit from the ''add-back'' that is going to occur later. So perhaps I am going to come out money ahead.

Again, understand that the earnings test doesn't only have a subtract. It adds back in future years.

One of the interesting things is, when we have proposed to eliminate the earnings test at 62, 63, and 64, some people have come forward and said that that could increase the number of women who are living in poverty because they are going to calculate that that add-back later on is more beneficial to them than the elimination of the earnings test at 62, 63 and 64. I don't know if that is going to happen for people age 65, 66, and 67. It may. There may be some for whom the earnings test is not a benefit. The committee hasn't heard it.

It is politically popular. It passed the House, I believe, unanimously. It will pass the Senate 100–0 as well. There will be nary a dissenting vote when it goes through the Senate. But it has not been heard by committee. It was heard by the Ways and Means Committee. It was not heard by the Finance Committee. It has a lot of political steam behind it.

This is a good thing to put on an add. This is a good thing to say you support. It is very difficult to be against this proposal.

I point out, again, we have not done comprehensive reform of Social Security. People under the age of 40 are going to pay a terrible price for that. We have an unprecedented demographic problem. It is not comparable to the problem the Senator from New York faced in 1983 when Social Security was fixed once before. The last time, we fixed Social Security for a number of reasons. The political environment has changed. I can't imagine enacting what was enacted in 1983, given the current political climate, which is essentially: I want to fix the problem, but I am against any increase in taxes or any cuts in benefits. If you can give me a good solution for Social Security that doesn't increase taxes or doesn't cut benefits, I am for it. Otherwise, don't sign me up for anything.

Well, we would not have enacted the 1983 reforms if that was the standard we used to guide us. The problem we face in the future is not the same as the problem we faced in 1983. It is a demographic problem that is unprecedented in this country—a doubling of the number of beneficiaries. We are going to have a very steady increase in the number of people in the workforce of 7 or 8 million people working over the next 30 years, 40 million new beneficiaries. It is not likely that the baby boomers will come to Congress and ask for less. They are probably going to ask for more and say Boskin was wrong, that the CPI should be increased by two or three points because they have lots of things they want to buy.

Postponing this problem makes it difficult for us to stand before an audience of people under 40 and say we care about them, because they are going to face a tremendous problem. I heard the Senator from New York mention this change in the law that we had 2 years ago, where the Social Security Administration sent out a notice that wasn't accurate. They should have sent out one to everybody under 40 which said under current law you have a 33-percent cut in benefits heading your way. They did not disclose that. They presumed in that notice that Congress was going to increase the taxes by 50 percent. Well, I daresay if you came to the floor of the Senate now and offered an amendment to increase the payroll tax by a point, you would be lucky to get a half dozen votes.

I think this is a good piece of legislation. It is long overdue. The distinguished chairman described it accurately. I think, for the most part, it is going to be beneficial to people over the age of 65. Though I think there will unquestionably be some, as there would be 62, 63, and 64, who, as a consequence of not getting that add-back later on, may find themselves actually not being helped as much as we think.

I will support the underlying legislation and look forward at a later point in this debate to offering an amendment.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, let me express my appreciation to Senators ROTH and MOYNIHAN, and especially to Senators BOB KERREY and JUDD GREGG for their efforts. This is clearly an idea where the time has come. My colleagues are correct to emphasize that saving Social Security for the future will require us to put aside the prospect of partisan gain for the good of the country and of our senior citizens. I respect the point they have made.

I hope the step we are taking today, which could not be taken without a bipartisan consensus, bodes well for future reform of Social Security. I am quite pleased to see that the Senate is on the verge of taking this momentous action of eliminating the earnings test for those between the ages of 65 and 69. It is a step that is long overdue.

Many of us have been calling for the repeal of this test for many years. In fact, the occupant of the Chair and I were part of the 100th class of Republicans in the House of Representatives who made repealing this earnings test one of our projects. We have been at this for a long time. When I came to the Senate, I joined Senator JOHN MCCAIN, who has been a champion for this cause, in introducing the Senior Citizens' Freedom to Work Act in the opening days of the 106th Congress. When we did that, I wondered whether it would fare any better than when we had offered it in the past. Now, at long last, we have forged a bipartisan consensus for taking action which even includes the President, and relief is finally in sight for working seniors.

I have always believed it just wasn't right to impose steep taxes on people who tried to work after reaching retirement age. It isn't right that under current law seniors between the ages of 65 and 69 lose a dollar for every $3 they earn above the threshold of $17,000. In fact, last year, 800,000 seniors lost a portion of their benefit because of this unfair tax. It isn't right that, combined with regular income taxes, and the taxation of Social Security benefits, the earnings test subjects some working seniors to an effective marginal tax rate of more than 100 percent. That is not right.

We all know this earnings test was created during the Depression era when policymakers felt an urgent need to give opportunities to young workers by encouraging seniors to leave the workforce. Today, America faces an extraordinarily tight labor market and seniors are living longer, more productive lives.

In that context, a policy that penalizes our most experienced citizens for their hard work is not just unfair, it is counterproductive. America needs the skills and knowledge senior citizens have acquired, especially in today's competitive global marketplace.

I believe repealing the earnings test also affirms our commitment to the values of self-help and personal responsibility.

After working to accomplish this repeal throughout my entire time in the Congress, I am very pleased to note that we are so close to completing the job today. Again, my compliments to all those people who have worked so hard to make this a reality.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. 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. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank Senator ROTH for his leadership and stewardship of this important legislation.

Obviously, I urge my colleagues to support swift passage of this much needed legislation to eliminate the unfair and discriminatory Social Security earnings test.

For over a decade, I and a few staunch supporters have been fighting to eliminate the earnings test that penalizes senior citizens who want or need to work. We began our battle in 1989 and have offered legislation in each of the last six Congresses to repeal the earnings test. In the beginning, we had only a few allies, notable amongst which was the National Committee to Preserve Social Security and Medicare, which has been at the forefront of this effort, as have my dear friends JOHN KYL and MIKE DEWINE.

I am pleased now that so many Members from both sides of the aisle, as well as President Clinton, understand that senior citizens have a right to work without being penalized for doing so. With this recent groundswell of support, we can finally eliminate this penalty on our Nation's hard-working senior citizens.

I ask unanimous consent that a letter from the National Committee to Preserve Social Security and Medicare in support of this legislation be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. MCCAIN. Mr. President, most Americans are shocked and appalled when they discover that older Americans are penalized for working. Americans should never be penalized or discouraged from working. Yet that is exactly what the Social Security earnings test does. The earnings test punishes Americans between the ages of 65 and 70 who want to remain productive after they reach retirement age and are eligible to receive Social Security benefits.

The Earnings Test mandates that, for every $3 earned by a retiree over the earnings limit, the retiree loses $1 in Social Security benefits. This is clearly age discrimination, and it is very wrong. Due to this cap on earnings, our senior citizens, many of whom exist on fixed, low incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an outrageous 55 to 65 percent tax bite.

In 1996, Congress passed and President Clinton signed into law the Senior Citizens Right to Work Act. This legislation took a step in the right direction by gradually increasing the $11,250 earnings limit to $30,000 by the year 2002. This year, the earnings limit is $17,000. But an individual who is struggling to make ends meet with just their Social Security benefits plus $17,000 a year in earned income should not be faced with an effective marginal tax rate that exceeds 55 percent.

The Social Security Earnings Test is a relic of the Great Depression, designed to move older people out of the workforce and create jobs for younger workers. Today's booming economy, with the lowest unemployment rate in three decades, can support full employment for both young and old. In addition, experts are predicting a labor shortage as the ''baby boom'' generation ages, with our elderly population growing much faster than the number of younger workers entering the workforce. According to the U.S. Chamber of Commerce, ''retaining older workers is a priority in labor intensive industries, and will become even more critical by the year 2000.'' The Social Security Earnings Test is counter-productive because it discourages these willing, diligent older Americans from staying in the workforce.

Our senior citizens can continue to make valuable contributions to our economy. Often, their knowledge and experience compliments or exceeds that of younger employees. Tens of millions of Americans are over the age of 65, and together they have over a billion years of cumulative work experience.

More importantly, many of the older Americans penalized by the Earnings Test need to work in order to cover their basic expenses, including food, housing, and medicine. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the Earnings Test.

In fact, wealthy seniors, who have lucrative investments, stocks, and substantial savings, are not affected by the earnings limit. Their supplemental ''unearned'' income is not subject to the earnings threshold.

Finally, let me stress that repealing the burdensome and unfair Earnings

Test will not further jeopardize the solvency of the Social Security Trust Funds. Those who claim otherwise are engaging in cruel scare tactics. The Social Security benefits working seniors lose due to the Earnings Test penalty are benefits they earned by contributing to the system throughout their working years. In fact, studies indicate that repealing the Earnings Test would actually result in a net increase of $140 million in federal revenues because more seniors would be earning wages and paying taxes, including payroll taxes that would go into the Social Security Trust Fund.

Repealing the Earnings Test is very important to the financial security of many of our nation's seniors. But let me take this opportunity to remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

My colleagues must recognize that repealing this onerous tax on our nation's senior citizens is an important step toward a fairer, flatter, simpler tax code. The 44,000-page Code is a cornucopia of favors for special interests and a chamber of horrors for average Americans. It penalizes people for getting married and for wanting to pass along the fruits of their labors to their children. It is overly complex and burdensome.

We should act now to eliminate the loopholes and subsidies for corporations and special interests. We should act now to eliminate the onerous marriage penalty, reduce estate and gift taxes, and encourage families to save and invest for their future priorities, such as college and health care needs. We should begin the march toward a fairer, flatter tax system by expanding the 15 percent tax bracket to allow more Americans to pay taxes at the lowest rate. Combined with the repeal of the Social Security Earnings Test, these and other changes to the tax code would provide much-needed tax relief to those who need it most—our nation's low- and middle-income senior citizens and families.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner.

I am speaking specifically of the leadership of the Senator from New York, Mr. MOYNIHAN. I can think of no greater gift to the American people than to act on this issue before Senator MOYNIHAN leaves this body. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today's workers. Experts agree that the only way to save Social Security without cutting benefits or raising payroll taxes is to allow every American to invest a portion of their Social Security savings in private, higher-yielding accounts. I believe a good start would be to let each person invest about 20 percent of what they pay in payroll taxes in a personal retirement account. These personal accounts would be controlled by the individual, and the individual would be able to monitor the growth of their investment. An added benefit is that each account would be a ''personal lockbox'' that could no longer be used by Congress for pork-barrel projects.

In the near term, there is a cost to moving funds out of the Trust Funds into these private accounts, and we must set aside the funds necessary to pay promised benefits while the personal accounts of workers are maturing. Simply locking up the Social Security surplus that comes from payroll taxes—a considerable accomplishment in and of itself—is not enough to save Social Security. We will need between $5 and $7 trillion in additional funding over the next 50 years to keep the current system running. I believe we must start now by reserving 62 percent of the non-Social Security budget surplus to shore up the Trust Funds while we begin to implement a plan for personal retirement accounts.

By passing this important legislation to repeal the Social Security Earnings Test, we have the opportunity to restore to our nation's seniors the right to work without penalty to ensure their financial security. But this is just the first step. We must work together to develop fair and effective reforms that will preserve and protect the Social Security system for current and future retirees, while allowing all Americans, particularly low- and middle-income individuals, the opportunity to share in the great prosperity that our nation enjoys today.

I thank the Senator from Delaware for his leadership. I especially thank the Senator from New York for his courageous leadership in suggesting a viable and important way to save Social Security, along with the Senator from Nebraska, Mr. KERREY. I tell the Senator from New York that I talked about it during this entire campaign. It resonates, people want it, and we ought to enact it.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I yield another 15 minutes to the Senator from Arizona.

(Laughter.)

Mr. MCCAIN. Mr. President, I would like, if the Senator from New York will allow me, 1 more minute.

Mr. MOYNIHAN. Of course. Please.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from New York that all over in this campaign I talked about the leadership of Senator MOYNIHAN of New York, Senator KERREY of Nebraska, and their proposals, which met with some derision in some quarters. But the fact is, when you consult the experts, they will tell you this is really the only way we can allow people to invest their retirement funds in a personal savings account over which they then will have control. But we need to get money into the fund in order to allow them to do that.

I think the Senator from New York has made an enormous contribution. I hope we can join together in a bipartisan fashion and enact that proposal. It may not be a perfect proposal; there may be some changes that need to be made on it; but the heart of it is the solution to the Social Security crisis, which we all know is coming beginning in the year 2014.

I thank my colleague from New York.

I yield the floor.

EXHIBIT 1

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, March 20, 2000.

Hon. JOHN MCCAIN,
Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of its millions of members and supporters, The National Committee to Preserve Social Security and Medicare thanks you for your leadership on earnings limit repeal. We are truly grateful for your committed efforts on behalf of senior Americans.

Senator McCain, I remember when we began the battle to eliminate the unfair Social Security earnings limit more than a decade ago. At that time, we had just a few allies in Congress. You immediately recognized the inherent unfairness of punishing seniors who, either out of necessity or choice, continued to work after reaching the normal retirement age.

We are quite pleased to see so many members of Congress now willing to fight for seniors' freedom to work. With this newfound support, the egregious earnings test will likely be eliminated for those who have attained normal retirement age.

The members of the National Committee to Preserve Social Security and Medicare are delighted that passage of earnings limit repeal now seems imminent. Thank you again, Senator McCain, for your determined efforts and tenacious commitment. Without your hard work over the years, I doubt that we would be facing victory on this important issue.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Delaware and the Senator from New York for their leadership on this issue, finally getting it to the floor in this form. I think it is very clear we are going to pass it and give the needed relief to our senior citizens.

I could not go forward without mentioning my colleague, Senator MCCAIN. Senator MCCAIN received a huge welcome back to the Senate. No one has forgotten what has happened in the last 3 months. I think a great impact has been made on the politics of our country. I think the contribution made by Senator MCCAIN will resonate for a long time to come. He has brought new people into the process. He has shown what courage is. He has given people an idea of what courage and serving one's country can do. I think he has added tremendously to the process. Our Republican caucus met at noon, and he got the longest standing ovation he probably ever will get. Certainly it was heartfelt. I think everyone is very glad we are going to have him back and working with Members to put together many of the reforms about which we have been speaking.

It happens that the bill we are discussing today was originally introduced by Senator MCCAIN. He was the first to introduce the bill to repeal the earnings test on Social Security benefits.

In 1935, when Social Security was passed, we had a very different senior citizen population and a very different need in our country. People didn't live as long. They were not as healthy. They were not as vigorous. They didn't want to work, by and large, after the age of 65. Today, if people want to work after the age of 65, they have contributed to Social Security all their lives, and they decide they want to take their benefits, what happens? They get docked. For every dollar over $17,000 a Social Security recipient receives, they lose $3 in their Social Security benefits.

Today is not 1935. Today people are vigorous. Many people want to work. Many people want to supplement their incomes. We also have a need for more workers in this country. We have very low unemployment. Our high-tech companies are asking people to come back to work. They need skilled workers. Our service industry is burgeoning. It needs skilled workers. This group of senior citizens is among the best in our country, and they now have a surtax because they receive Social Security benefits.

Let me give an example. If someone earns $26,000 a year and they are on Social Security, they lose $3,000 of their benefits. The average Social Security recipient receives $9,600 in benefits. So one-third of their benefits is lost if they go to work.

What Senator MCCAIN said is very important. The people to whom this matters most are the people who need it. It is not the person who has been fortunate in life and has investments; they are not worried about the $9,600 or $12,000 in Social Security benefits. It is the person who is living on $26,000 or $30,000 a year who wants to be able to work to add a little extra cushion. That is what was intended under Social Security; that would be a baseline. Hopefully, one would have the ability to have savings to add to their retirement security. Some people have not gotten the savings so they want to work.

There is no reason in today's good times to severely penalize a solid worker, someone we actually need for our economy.

I thank Senator ROTH from Delaware and Senator MOYNIHAN from New York for bringing this bill to the floor. Senator ASHCROFT has been a great leader, as well as Senator MCCAIN. Many have worked together on this.

The bottom line is, this is an idea where the time has passed. It hasn't come, it has gone. We should have done this years ago. We have chipped away at it. We are on a roll right now to take that earnings test up to $30,000 from $17,000. That is not good enough. We can eliminate it. This is the right thing to do. This is the time to do it. We have a burgeoning economy. We need the workers. We need the high-tech employees. We need these solid citizens in our economy. If they want to be here, they should have the choice.

I urge our colleagues to pass this quickly. I hope we can pass it cleanly, get it to the President, and give these people the opportunity to make their choices in their senior years.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I first thank the Senator from Texas for her more than generous remarks to our committee. We appreciate that.

I believe now a distinguished member of the committee about whom Senator MCCAIN was speaking a moment ago, the Senator from Nebraska, has an amendment to offer. I believe there is an hour.

AMENDMENT NO. 2885

(Purpose: To redesignate the term for the age at which an individual is eligible for full, unreduced old-age benefits)

Mr. KERREY. I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 2885.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

SEC. . REDESIGNATION OF TERM FOR AGE AT WHICH AN INDIVIDUAL IS ELIGIBLE FOR FULL, UNREDUCED OLD-AGE BENEFITS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by striking ''retirement age'' each place it appears and inserting ''the age of eligibility for full, unreduced old-age benefits'';

(2) by striking ''early retirement age'' each place it appears and inserting ''the age of earliest eligibility for old-age benefits''; and

(3) by striking ''delayed retirement'' each place it appears and inserting ''delayed entitlement for old-age benefits''.

(b) CONFORMING AMENDMENT.—Section 202(q)(9) of the Social Security Act (42 U.S.C. 402(q)(9)) is amended by striking ''early retirement'' and inserting ''early entitlement for old-age benefits''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. KERREY. I understand under a previous unanimous consent the vote will occur at 4 o'clock. Is that correct?

Mr. MOYNIHAN. That is entirely agreeable to us.

Mr. ROTH. We are happy to have the vote at 4 o'clock. There is no unanimous consent stated.

Mr. KERREY. I am not sure I will take a full 30 minutes on my side. Let me describe the amendment first and see where it goes.

My amendment is essentially a conforming amendment. It is an amendment that conforms a change we are about to make with the change in the language relating to earnings that occur between age 65 and 69.

Senator MOYNIHAN and I have a proposal to eliminate the earnings test from 62 to 65. Some groups are opposed because they are concerned that for low-income working women there could be an increase in the number of women who are under the poverty guidelines as established by the Federal Government. It is an interesting fact. I am not sure of the validity of the forecast.

We are changing the program from a retirement program to an old-age program. I support that change. To change Social Security so that it is no longer a retirement-based program is very important.

Since 1935, we have either said to workers: You have to retire before you are eligible; or we have said: If you continue to work, there will be a penalty that will occur as a consequence of whatever earnings you have.

That is what we are trying to eliminate.

My amendment is a fairly simple, straightforward amendment. I don't know that I need to talk a great deal about it. It merely inserts language that makes it clear that full or semi-retirement is no longer required to collect benefits, that what is necessary is to merely meet a tested age—62, 63, 64, and on and on—and for those currently affected by the earnings test, for 65 through 69, there will no longer be a test of earnings and a deduct that will occur.

But, in addition to eliminating the earnings test, we are also fundamentally changing the old-age benefit part of the Social Security program, I believe in a way that is constructive, that will change the program from a retirement-based program to a program based on a test of age.

I am attempting with this amendment to merely bring the language of the law in conformance with what we will be doing with the underlying provision, which is to say you no longer have to retire and have little earned income in order to receive benefits. All

you have to do under this program is meet a test of age. That one dollar for three dollars—up to $17,000 of income—deferrment of benefits will no longer occur—from 65 to 69.

I support the underlying bill. This amendment will bring the language of the law in conformance to what the underlying bill does.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

Mr. ROTH. Madam President, I ask unanimous consent the vote occur on or in relation to the pending Kerrey amendment at 4 p.m. and the time between now and the vote be equally divided in the usual form.

I further ask unanimous consent that passage of H.R. 5, as amended, occur at 10 a.m. on Wednesday, March 22, and that paragraph 4 of rule XII be waived.

Finally, I ask unanimous consent the time between 9:45 a.m. and 10 a.m. on Wednesday be equally divided between the chairman and ranking minority member of the Finance Committee for closing remarks on the Social Security earnings bill.

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

Mr. ROTH. In light of this agreement, I announce on behalf of the leadership the 4 p.m. vote today will be the last vote of the day.

Mr. MOYNIHAN. Mr. President, I see the Senator from Nebraska would like to resume his discourse.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nebraska.

Mr. KERREY. Mr. President, I am going to speak until Senator ROBB gets down to the floor.

As I said earlier, I support the elimination of the earnings test from 65 to 69, and believe the amendment I have offered would be a positive conforming change that will make it clear, regarding Social Security at age 65, there is no longer a requirement to be retired. That is what the current law says, you have to be retired. ''Retirement benefit at normal retirement age'' is how it is described in the statute. My amendment would conform the changes we are making in H.R. 5 to alter the program that reduces benefits according to income from one that would no longer offer that reduction to beneficiaries.

Beneficiaries evaluate their income versus what Social Security is going to do all the time. One of the interesting things about the program is to observe that nearly 80 percent of beneficiaries take an early benefit. They have a 20-percent reduction in benefits.

The baby boomers may come in here 15 years from now and want to get rid of that, for all I know, but right now it is a 20-percent reduction in benefits. Mr. President, 80 percent of Americans, when they become eligible for the old age benefit, will opt to take that 20-percent reduction—not all of them are doing it at 62—some are taking a smaller cut in benefits at 63 or 64—because they calculate the benefits will be greater than retiring at 65 if they survive for 10 years. There is a lot of thinking that goes on, including with the earnings test, the calculation of what the deduction will mean and what the add-back will provide in future years.

I would like to spend a little time again, until Senator ROBB gets down here, to talk about the underlying problem. The earnings test elimination bill, the legislation we are going to pass 100–0 tomorrow, does address one of the problems, though it only addresses it partially. It addresses the earnings test imposed from age 65 to 69. It does not address the earnings test imposed from age 62 to 64. But there are other problems that the status quo creates for future beneficiaries. We need to think about it that way. I would like to show my colleagues the ways delaying reform will cause future workers and beneficiaries to suffer.

The biggest problem with delaying reform is that it forces hard working, lower and middle class Americans to bear a disproportionate share of the burden of debt reduction—the same people who bore a disproportionate share of the great deficit reductions in 1980s and 1990s. People being paid by the hour are now being told we are going to use a significant portion of their FICA taxes—which are supposed to be dedicated to benefit payments—to pay down debt. That is basically what this phrase ''saving Social Security'' means when you examine it more closely.

It is true the debt will be nearly eliminated by 2013 if we use all of the surpluses to pay down debt—but then it goes right back up again in the 2020s to fund Social Security benefits for the baby boomers. So, if you are under the age of 15 today, when you become eligible you are looking at debt levels that will be somewhere between two and three times what they are today. So the do-nothing plan, taking no action at all—there are still 500 Members of Congress who have not signed onto a specific piece of legislation—results in a substantial increase in the debt out into the future.

The other thing that could happen in the future a consequence of this huge demographic bulge of baby boomers is a massive payroll tax increase or a cut in benefits. The baby boom generation will start retiring in 2010. There will be a 40-million-person increase in the number of beneficiaries from 37 to 77, but only a 7 or 8 million person increase in the number of people who are working.

Social Security is essentially a tax on people who are working, transferred in a progressive fashion to people who are eligible as a consequence of meeting a test of age, survivorship, or disability. It is a progressive transfer program. We have a trust fund that accumulates as a reserve against contingencies but it is a pay-as-you-go program. It is a tax that is transferred in a very progressive fashion. Indeed, that 12.4-percent tax today, along with the tax on income and the interest that is earned on the debt that is paid with income taxes, there is about $150 billion more—$550 billion of total income coming into the Social Security system this year against about $400 billion in checks that are written to pay for it.

That reserve builds up over time. I will not go into that particular problem, but anytime you have to convert any of those bonds, you have to use income taxes to convert the bond. Starting in about 2014, we will have to start drawing the trust funds down with additional infusions of income tax into the program.

What does this all mean for today's workers? If you are under the age of 40—there are approximately 150 million Americans under the age of 40—you are looking at the following problem: Congress will either have to reduce your benefits by 33 percent or Congress will have to enact a payroll tax increase of about 50 percent to accommodate the demand that will be there, the liability that will be there, under current law.

Obviously, a tax increase of that magnitude seems unacceptable. But this is what current law calls for. So if you are a Member of Congress that supports the do-nothing approach, you support a 33-percent cut in benefits or a 50-percent increase in taxes.

The reason I mention that is that with the plan I have introduced with Senator MOYNIHAN, the plan we have introduced with Senators BREAUX, GREGG, and ROBB, I have received a lot of attacks. People say: You are reducing benefits out in the future. How dare you reduce benefits out in the future, let alone suggest we need some additional revenue with tax increases?

None of the proposals out there have called for massive tax increases. Our proposal has a 2-percent reduction in the payroll tax, but it is funded with offsets in benefits out in the future, as well as increased benefits coming from the individual accounts—

Mr. MOYNIHAN. Will the Senator yield?

Mr. KERREY. Yes.

Mr. MOYNIHAN. Two percentage points?

Mr. KERREY. Two percentage points, that is correct. Not 2 percent of the 12.4; but 2 percentage points overall, from 12.4 to 10.4 percent. Under current law, a substantial increase in the publicly-held debt will occur.

In addition, there is a problem with the existing program in that low-income-earning beneficiaries do not have enough of their income replaced by the current benefit formulas. The Social Security reform proposal that I have

introduced with a bipartisan group of Senators increases benefits for low income workers by changing these benefit formulas.

I hear lots of my colleagues, especially on this side of the aisle, talk a lot about the rich getting richer and the poor getting poorer. It is true that the gap is widening, but if you want to solve the problem, you cannot do it just by increasing the minimum wage or increasing the earned-income tax credit. You have to change the law so people of all incomes have the opportunity to generate wealth. The current Social Security program does not offer that opportunity. Our proposal would.

Finally, there is growing intergenerational inequity in our Federal budget. We may not be spending too much on people over age 65 today. But by the time I am eligible for Social Security, and the cohort coming right behind me—the baby boomers—in my view, we will be.

So colleagues understand, today if you take all Federal and State funding on people over the age of 65 and the people under the age of 18—that is State and Federal spending—we spend three times as much on people over age 65 as we do on people under the age of 18.

Again, I do not think it is too much today. I do not think we are spending an excessive amount today. But spending on seniors continues to increase. The year-to-year spending increases are getting larger. Again, nobody should suffer the illusion of where this money comes from. It comes from a tax on wages on today's workers.

If we underinvest in the skills and the training and the education of these kids, which in my view we are, in favor of politically popular moves that spend more and more money on people over the age of 65—and understand, there are 50 percent more Americans under the age of 18 than over the age of 65—if we continue to do that for very long, when we get to the year 2030 there will only be two workers per retiree. If I get to pick Warren Buffett and Bill Gates, I am in good shape. But I don't. I pick an average. One of the things we need to consider, as well, is the do-nothing plan is heading in a direction of creating, in my view, substantial intergenerational inequities in the Social Security program itself.

Social Security and Medicare are popular because they currently have some semblance of generational equity. People of all ages support Social Security and Medicare because they see them as a fair social contract. But in 10 or 15 years from now, my view is, looking at the numbers, and with there likely to be a decreasing number of young people, they are not going to have to be told by politicians, they are going to look at the contract and say: Wait a minute, this deal is not very good for me. They are not going to like it and will rise up and get angry about it.

For these reasons, I would argue that the status quo plan offered by the do-nothing caucus is dangerous. What we need is a comprehensive reform plan—that is bipartisan in nature—to finally fix the problems in the Social Security.

Obviously, the elimination of the earnings test is a very popular Social Security reform measure. The other ones are unpopular but require difficult votes in order to make the changes. I hope that we, at some point, are able to come together to solve the larger problem of Social Security that exists in all these different ways.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Nebraska once again and say I regret he was necessarily away from the floor when the Senator from Arizona spoke almost precisely in your terms, and spoke about the legislation you have offered, and said, yes, it would often produce derision when you talked about it on the campaign trail—we know a little bit about derision, both of us do—but he said a bipartisan solution is necessary and possible. If we cannot see it coming, we will be remembered for not having done so.

I see that my friend, the distinguished Senator from Virginia, is on the floor.

Would the Senator like 5 minutes?

I yield 5 minutes to the Senator from Virginia—more if he requires it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the distinguished Senator from New York. I am delighted to join, as I just mentioned to him, the ''amen'' chorus.

I rise to support my friend from Nebraska in his continuing effort to strengthen Social Security for the long term. I commend him for his tireless work on behalf of the seniors of this country, as well as their children and grandchildren, as he fights to both strengthen Social Security and lessen the burden of debt we leave to future generations.

I share Senator KERREY's frustrations over the failure of this body to strengthen Social Security. I am pleased we can now afford to repeal the earnings test. I fully support this bill. But this is only one of many steps that need to be taken. We cannot continue to deal with a program as large and as vital as Social Security on a piecemeal basis. We owe both our seniors and our children so much more.

The facts are simple. By the year 2013, payroll taxes we collect will not be sufficient to pay for Social Security payments. By the year 2034, the program will only be able to pay for 72 cents out of every dollar of benefits we have promised senior citizens in America. Worst of all, these figures are based on our economy continuing to click along at the same pace it is right now. If we have a sudden downturn or period of stagnation, we will be in trouble much sooner.

It is time to start telling the American people the truth. If we do not strengthen our Social Security program, we will have to either cut benefits or increase payroll taxes—or both. We cannot afford to let that happen.

Even worse, from my perspective, the bills would have to be paid by our children and grandchildren. They deserve a better legacy from us than a mountain of debt.

The good news is, slowly but surely, we are making progress. In the past several years, we have been able to remove the Social Security trust fund surplus from the calculation of the onbudget surplus. While I am pleased we have taken this first step toward fiscal responsibility, we need to do much more. Setting aside the surplus in the Social Security trust fund is prudent, but it does not take care of the underlying and very fundamental problems.

Now is the time to act. We need to strengthen the Social Security program so today's senior citizens get the benefits they have been promised. We need to strengthen the Social Security program so our children and grandchildren are not unfairly burdened with our debt. We need to do more. I support what we are doing today, but we need to do more.

I conclude my remarks by thanking the distinguished senior Senator from New York, who is, regrettably, in the judgment of many of us, going to be retiring from this institution, and the distinguished senior Senator from Nebraska, who, equally regrettably, is going to be retiring from this institution. Both will be sorely missed.

With that, I yield the floor.

Mr. MOYNIHAN. I thank the Senator most sincerely.

Mr. ROTH. Mr. President, I yield 5 minutes to Senator HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I add my thanks to the distinguished chairman of the Finance Committee and the ranking member, Mr. MOYNIHAN. And I tag on to what my friend and colleague, Senator ROBB, said regarding the loss to this body and to America as we find Senators MOYNIHAN and KERREY serving their last year in the Senate. In a narrow, parochial sense, Mr. KERREY's impending retirement makes me the new senior Senator from Nebraska. However, I would have gladly put that aside for the interest of our senior Senator from Nebraska staying on, as well as Mr. MOYNIHAN, who adds the kind of enlightenment, enhancement, and leadership to an issue that is so critical to this country and to our future.

With that, I, too, rise in support of H.R. 5, the Senior Citizens' Freedom to Work Act of 2000. I am also a cosponsor of the Senate companion bill, S. 2074, the Social Security Earnings Test Elimination Act.

I think it is appropriate this afternoon to acknowledge our friend and colleague, Senator MCCAIN, who has recently rejoined the Senate after his odyssey throughout America over the

last few months. Senator MCCAIN was an early sponsor of repealing the Social Security earnings test and fought hard and provided essential leadership early on. I acknowledge Mr. MCCAIN's early leadership on this issue.

We have heard today how this legislation will repeal the Social Security earnings test, which is a disincentive for seniors to work by reducing seniors' Social Security benefits according to the amount of income they earn. We know this legislation will allow seniors between the ages of 65 and 70 to go back to work or continue to work and not worry about being penalized for their productivity or losing their Social Security benefits.

As America moves into the new century, it will need more workers in the workforce, not less. Productive capacity is the engine that drives economic growth. That means we must have skilled workers and managers and experienced workers and managers. The passage of this bill helps America with this great challenge. It will help America retain this vital resource of skilled and experienced workers and managers.

However, this legislation will not fix Social Security. It will not fix our long-term workforce challenge. The solvency of Social Security is one of the great challenges facing America today. We must reform Social Security or it will not be there for future generations. We know the figures.

In 1999, there were 35 million Americans, 13 percent of total population, 65 years of age or older. By the year 2030, there will be 70 million Americans, 20 percent of the total population, who will be 65 years of age or older. In 2010, the first group of the 76 million baby boomers will become eligible for Social Security benefits. And in 2030, the number of workers paying into Social Security per beneficiary, as Senator KERREY has acknowledged, will drop to 2 from the present 3.3.

With this increasing number of beneficiaries and a smaller workforce contributing to the Social Security system, if Congress does not enact reform, Social Security benefit payments will begin to exceed the taxes collected in the year 2014. My colleagues who have spoken before me on the floor this afternoon have pointed out in rather significant clarity the consequences of that.

I don't have all the answers to what we must do, but I am sure of one thing—this Congress needs to act sooner rather than later. We must reform Social Security and improve it for future generations.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HAGEL. I ask for an additional 1 minute.

Mr. ROTH. One minute.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

We know there is an anticipated projection of a $2.3 trillion surplus in Social Security trust funds over the next 10 years. But we do know that if, in fact, we are to reform Social Security, whatever projected surplus occurs must remain in Social Security. Second, we must reform Social Security in a way that starts to develop personal wealth. Personal retirement accounts would harness the power of private markets and compounding interest, providing a much higher rate of return on each individual's investment. This also gives ownership to each individual, meaning choices and more responsibility for their own economic future.

The changes we make to Social Security should not affect current or soon-to-be beneficiaries. We can create a system that still provides a safety net for those who are most vulnerable in society but offers younger workers the opportunity to create wealth and save for their futures.

Finally, the Social Security system we now have affects all Americans. It will continue to affect all Americans. The decisions we make today will profoundly affect the lives of all Americans. We must not squander the time we now have to deal with the solvency of Social Security.

I strongly urge my colleagues to vote in favor of the passage of this relevant, important, and timely legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

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

AMENDMENT NO. 2886

Mr. ROTH. Mr. President, I submit a managers' amendment on behalf of myself and Senator MOYNIHAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. MOYNIHAN, proposes an amendment numbered 2886.

Mr. ROTH. 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:

Strike all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Senior Citizens' Freedom to Work Act of 2000''.

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking ''the age of seventy'' and inserting ''retirement age (as defined in section 216(l))'';

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking ''the age of seventy'' each place it appears and inserting ''retirement age (as defined in section 216(l))'';

(3) in subsection (f)(1)(B), by striking ''was age seventy or over'' and inserting ''was at or above retirement age (as defined in section 216(l))'';

(4) in subsection (f)(3), by striking ''age 70'' and inserting ''retirement age (as defined in section 216(l))'';

(5) in subsection (h)(1)(A), by striking ''age 70'' each place it appears and inserting ''retirement age (as defined in section 216(l))''; and

(6) in subsection (j)—

(A) in the heading, by striking ''Age Seventy'' and inserting ''Retirement Age''; and

(B) by striking ''seventy years of age'' and inserting ''having attained retirement age (as defined in section 216(l))''.

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

''(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).''.

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking ''and (8)(D),'' and inserting ''(8)(D), and (8)(E),''.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking ''nor shall any deduction'' and all that follows and inserting ''nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.''; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: ''(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,''.

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking ''or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit'' and inserting ''or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

Mr. ROTH. Mr. President, let me briefly describe the managers' amendment. This amendment would fix a technical problem with the House bill that would inadvertently impose a more stringent earnings limit on certain Social Security beneficiaries age 64 than provided under current law.

I ask unanimous consent that a description of the amendment be printed in the RECORD.

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

DESCRIPTION OF THE MANAGERS' AMENDMENT

The Managers' amendment would make a technical correction to H.R. 5, the ''Senior

Citizens Freedom to Work Act'', that abolishes the Social Security earnings limit for Social Security beneficiaries ages 65–69. As written, the House bill would impose a more stringent earnings limit on certain Social Security beneficiaries who are age 64 than provided under current law after 2000.

CURRENT LAW

Under current law, there are two earnings limits, one that applies to Social Security beneficiaries ages 62–64, the other to beneficiaries ages 65–69. In 2000, under the earnings limit for beneficiaries 62–64, a beneficiary has his or her Social Security benefits reduced by $1 for every $2 in earnings over $10,080. For beneficiaries 65 to 69, benefits are reduced by $1 for every $3 in earnings over $17,000; this threshold rises to $25,000 in 2001 and $30,000 in 2002. There is no earnings limit for beneficiaries over age 70.

Eligibility for the 65–69 earnings limit is determined by the calendar year in which that beneficiary turns 65, regardless of the month in which the beneficiary actually turns 65. Thus, for example, in 2000 a beneficiary who turns 65 in December would have the 65–69 earnings limit apply to him or her throughout the entire calendar year of 2000. Eligibility for the age 62–64 earnings limit, and for no limit at age 70, begins with the month a beneficiary turns 62 or 70.

HOUSE BILL

H.R. 5 would abolish the earnings limit for beneficiaries above the ''normal retirement age'' (currently age 65). However, effective 2001, under H.R. 5, a beneficiary would not be eligible for the age 65 earnings limit (i.e., no earnings limit) until the month in which that person reaches age 65. Otherwise, the age 62–64 earnings limit would apply. Thus, a beneficiary who turned 65 in December 2001 would have an earnings limit for most of 2001 of $10,440, which is substantially less than current law ($25,000).

SENATE MANAGERS' AMENDMENT

The manager's amendment would make a technical correction to H.R. 5 to continue permanently the current law practice that for the year in which a Social Security beneficiary reaches the normal retirement age (currently age 65), the current law age 65–69 earnings limit applies until the month in which the beneficiary reaches the normal retirement age (age 65). When the beneficiary reaches the normal retirement age, the earnings limit would no longer apply.

Mr. ROTH. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I express the gratitude I have, and I am sure our revered chairman has, for our staff who worked this out. It was not easy. It was a weekend's work at a minimum, which sounds simple when so described, to try to get it into legislative language. But it was necessary. It is understood on the House side that, yes, that was a mistake we had not realized or we had not taken care of. So we now have done so.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2886) was agreed to.

AMENDMENT NO. 2885

Mr. ROTH. Mr. President, what is the order of business?

The PRESIDING OFFICER. There are 12 minutes remaining on the Kerrey amendment.

Mr. MOYNIHAN. Mr. President, I see the distinguished Senator from Indiana has risen. Does he wish to speak?

Mr. ROTH. Mr. President, I was going to make a statement first.

Mr. MOYNIHAN. The Senator from Delaware will speak and then 5 minutes, or such as remains, will be yielded to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I begin by recognizing the important contributions of Senator KERREY, both to the Finance Committee and to the Senate. In particular, he is a unique and important voice in the national debate on Social Security and Medicare reform. He has taken thoughtful but not always popular positions on how these programs should be reshaped, both to better serve our Nation's seniors and to ensure that these programs can be sustained.

Indeed, much of the current debate over Social Security reform dates to 1993, when Senator KERREY conceived and then later chaired the Bipartisan Commission on Entitlement and Tax Reform. On the Finance Committee, his energy and expertise are highly regarded by his colleagues.

Having said that, I must oppose this amendment. I understand why Senator KERREY has offered it. And on a more appropriate bill, I might support it. Certainly, as a nation, we need to rethink carefully what we mean by retirement. However, I believe instead we should act to move this legislation to the President as quickly as possible. That means no other amendments other than the managers' amendment, which fixes a technical problem of the House bill.

I have received a letter from Chairman ARCHER and Congressman RANGEL saying that any other extraneous amendments will require a conference. Needless to say, other issues might be raised in the conference.

Mr. President, I trust my friend from Nebraska will understand why I oppose this amendment. I hope he will accept my pledge to continue to work with him on these important issues.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, I thank the Senator for his indulgence. This is my first opportunity to point to the fact that Senator MOYNIHAN's mother was a longtime resident of our State. We are very proud of that fact, and I am pleased to note it today. Our colleague, Senator GREGG, is not with us, but I thank him for his leadership on this issue. It is not surprising to me that a former Governor is leading the way on a matter of such importance in terms of fiscal responsibility. Likewise, I commend our colleague, Senator KERREY. I am not the least bit surprised that someone whose courage has been tested on the field of battle also has the courage to address one of the foremost challenges of our time—a challenge that is important to the future of our country, yet escapes the ability of many politicians to address. I salute Senator KERREY for his leadership on this very important issue.

I, too, rise in support of the cause of repealing the earnings test limit on the Social Security benefits. It is the right thing to do at this time with unemployment being so low and the economy so strong. This will inject much needed talent on the part of senior workers into the economy. It is only right that if people are living longer, we should enable them to earn more to support themselves. Since it doesn't have a long-term fiscal impact, it is the right thing to do from that standpoint.

On this particular bill and on this particular vote, no profiles in courage will be written on the floor of the Senate today. I am concerned and I add my voice to others—a growing chorus—in calling for meaningful reform in the Social Security system and to ensure its long-term financial viability.

The trends are disturbing. Over the last 40 years, the percentage of our Federal budget that has now gone to entitlement expenditures has doubled from about a third of Federal expenditures to two-thirds. Some projections are accurate. In the coming decades, fully 100 percent of Federal expenditures may be comprised of entitlements, leaving nothing left for things such as education, the environment, children's issues, health care, or national defense—literally nothing but entitlements, as important as they may be.

Clearly, this is a course that we cannot sustain forever. Likewise, I note that the percentage of Federal revenues raised through taxes funding entitlements has also doubled over the last 20 years, from 16 percent to fully one-third of Federal revenues now raised from payroll taxes. These taxes are regressive in nature and fall heavily and disproportionately on the middle class.

I believe in the importance of investment in education, science, research, and other important areas of our national budget, and it is because I believe in the importance of tax relief for the middle class that I believe very strongly we must embrace the cause of meaningful reform of entitlements in general, and particularly Social Security, if we are going to enable ourselves to meet these other important challenges as well.

This is something that should unite the right and the left. Those on the right should be concerned about a return to the days of debt and deficit spending and the corresponding slowdown in economic growth that would inevitably result. Those on the right should be concerned about an increasing percentage of our Federal budget basically being put on fiscal autopilot.

Those on the left should be concerned about shoring up and preserving not just temporarily, but in the long run, a fundamental part of our Social safety net, the Social Security system, a legacy of which we can rightfully be proud. And those on the left should also be concerned about maintaining the discretionary ability to invest in the other important things that will make our country a more prosperous and decent place in the years to come.

Despite this seeming ground for compromise between the left and right, too often a consensus evades us. It is difficult in a democracy to make hard choices. Yet our constituents have a right to expect no less from us. It takes wisdom and courage on the part of those proposing this reform, forbearance upon our political opponents' part, and ultimately wisdom and understanding on the part of the American people.

I wish to close my remarks by commending those who have risen to speak out in favor of the cause of meaningful entitlement reform. It is essential not only to preserving the benefits for those we claim to champion today; it is also important for proving the efficacy of our democratic institutions on the threshold of the 21st century. I thank my colleagues for their courage in taking up this issue. Senator KERREY's voice will be missed in the years to come. I hope to add mine in my own humble way, and ultimately we will achieve this objective. I thank Senator MOYNIHAN and yield the floor.

Mr. MOYNIHAN. Mr. President, the chairman has very generously agreed to allow the Senator from Nevada to speak for 5 minutes. That would perhaps run us over the 4 o'clock time set for the vote. I ask unanimous consent for an extra 2 minutes in that regard.

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

The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I express my appreciation to a very distinguished and fair chairman and the ranking member for accommodating this Senator.

I rise in strong support of the Senior Citizens' Freedom to Work Act, bipartisan legislation to repeal the Social Security earnings limit.

For a number of years, I have joined with my colleague, Senator MCCAIN, in efforts to repeal this unfair penalty. In my judgment, this legislation is long overdue. The earnings limit has unfairly penalized Social Security recipients who have chosen to continue to work and discouraged others from remaining in the workforce and contributing to our country's economic growth.

It is confusing to beneficiaries and it is difficult to administer. It is time to repeal the earnings limit and thus allow Social Security recipients who continue to work to do so without a reduction in their benefits.

It becomes very clear that the time has come to revoke this unjustified policy when we consider why it was imposed in the first instance. The Social Security earnings test was a Depression-era policy, originating nearly 70 years ago as a mechanism to cope with the high levels of unemployment. Our country now faces a very different dilemma—a tight labor market in many areas, including my own State of Nevada, which makes it difficult to recruit qualified employees.

It is simply illogical to prevent those who are willing and able to do so from joining the economy by working in areas that desperately need their talents. While many people choose to retire from their jobs at the traditional age of 65, or earlier, more and more workers want to continue working well into their late sixties and into their seventies.

One of the incentives, of course, for working beyond retirement age is the greater financial security that their additional income provides. However, for people between the ages of 65 and 70, the financial benefits of staying in the workforce are diminished by the unjustified earnings limit. Too many seniors, especially those with high medical bills, struggle on their very limited incomes. The last thing they need is a Government-imposed penalty.

Currently, for every $3 a worker aged 65 to 70 earns above $17,000, the worker's Social Security benefit check is reduced by $1. That is quite a disincentive to working. At a time when we put great emphasis on all Americans joining the workforce, it makes little sense to discourage employment for a large, experienced, and valuable segment of our population.

It is also important to note that the repeal does not adversely affect the long-term financial health of the Social Security trust fund. Eventually, the Social Security Administration would actually save money because it would not have to administer the complicated earnings test.

This, then, is a win-win situation for all involved. Seniors can continue to work and earn income without their previously earned Social Security benefits being unfairly reduced while the Government is minimally affected.

Our colleagues in the House of Representatives have recently voted unanimously to pass this legislation. It is now our turn to do so, and I hope the Senate will act swiftly to enact this legislation to repeal this unfair penalty.

I yield the floor.

Mr. MOYNIHAN. I yield 30 seconds to the Senator from Nebraska.

Mr. KERREY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERREY. Mr. President, my amendment is merely a conforming amendment. If you support the underlying amendment, which changes Social Security from a retirement program to a program that simply has a test of age as opposed to a status of work, I urge colleagues to make this change. It will make it a lot easier to do reform in the future. It has nothing to do with moving the eligibility age; that stays the same. The amendment substitutes the words ''old age'' and ''age test'' for the word ''retirement.'' So they will no longer be required to retire in order to be eligible for this benefit.

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the Kerrey amendment.

Mr. ROTH. Mr. President, I would like to expedite the consideration of this amendment. But it is important that we move ahead with the legislation so that it can be referred expeditiously to the President. For that reason, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Gregg

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, following my brief remarks and the remarks of Senators BAUCUS, BUNNING, and GRAHAM, in that order, I ask unanimous consent that all time be yielded back on the pending Social Security bill and there then 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.

Mr. COVERDELL. I encourage any Members who wish to speak on the Social Security issue to do so in morning business following the unanimous-consent agreement just propounded.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I join in the request of the Senator from Georgia. Other fair matters have arisen that require our chairman and ranking member to be, in effect, in a meeting. Therefore, we are leaving the floor open and encourage all who wish to speak to come and do so.

Mr. COVERDELL. I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is interesting that so much of our labor law dates back to the mid-1930s. H.R. 5 is a measure that deals with modernizing attitudes about work habits and workers and bringing them into the new century.

It was in 1935, during the Great Depression, that it was decided to discourage people who were 65 and older from working. That was done by saying: If you do work, we can't keep you from working, but for every $3 you earn, we are going to take $1 of it, or charge you a surtax of 33 percent. It was a very arduous and imposing tax on individuals on Social Security.

There are a number of major changes that have occurred in the workplace, but two I emphasize have become uniquely significant for this group of workers, age 65 to 69.

No. 1, the United States is effectively unable to fill its workplace. We deal with that issue on a daily basis. We need workers. We need people who are highly trained, who have developed an expertise, as senior workers have done. And we need them to stay in the workplace, if we are going to fill the American workplace.

The second issue that has created a very serious and significant change is that many of these workers must do so in order to keep up with the financial pressures of this time, with the increase in costs of medicine and other matters dealing with senior years.

It is inherently unfair to tax these earnings over $17,000 and to punish people for entering the workplace when, indeed, we want them to enter the workplace; we want them to stay in the workplace. They are no longer keeping somebody else from getting a job. We can walk down any street in America today and see: ''Now hiring.'' ''Now hiring.'' Company after company in our country cannot find sufficient workers.

We also don't have to spend much time in an audience anywhere in America that we do not hear a senior object to the fact that if he or she believes they must continue to work or want to work, they are so deeply penalized by Federal tax law. By repealing the earnings limit, we will be providing tax relief to about 1.2 million seniors in America between the ages of 65 and 69. It will amount to about $23 billion—not a small number—over 10 years.

This is the right thing to do, and it is the right time to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in support of H.R. 5, the Senior Citizen's Freedom to Work Act. I am a cosponsor of the Senate version of this bill, S. 2074.

The earnings test, to remind my colleagues, is a Depression-era holdover which reduces Social Security benefits for working retirees. When Social Security began 65 years ago, its creators hoped older workers would withdraw from the work force and make more room for younger workers. This was back in the 1930s, in the Depression.

So they reduced retiree's Social Security benefits according to a formula, which today causes the loss of $1 in benefits for every $3 earned over $17,000 for those between the ages of 65 and 69.

While this might have made sense during the Great Depression, which at its peak saw one out of every four Americans without jobs, driving older workers out of the workforce simply does not reflect the needs of today's America. Americans today are retiring sooner, and the number of employed males over the age of 65 has fallen from 47 percent 50 years ago to less than 17 percent today. In addition, we all know the solvency of the Social Security Trust Funds is threatened because our society is aging. In 1950, there were 17 people in the workforce for every person drawing Social Security benefits. By 1999, this number had dropped to less than 4 people working for every one person drawing benefits. And under the intermediate projections of the Social Security trustees, this number will drop even further, to less than 2 people working for every one beneficiary by 2075.

In today's era of low unemployment, it simply makes no sense to penalize retirees who want to continue working. And as we look at the continued graying of our society throughout the 21st century, it will become even more critical to eliminate disincentives to work for this growing segment of our population.

Working seniors are a vital employee pool for America's businesses. We need the experience they bring from a lifetime of learning to help train our younger workers. And many seniors need the income that comes from these jobs to help make ends meet. The earnings test especially hurts senior citizens who face heavy medical bills or other expenses in caring for a spouse or other family members. Yet over 630,000 seniors today are receiving reduced Social Security benefits simply because they want or need to work. And there is no way to know how many more only work part of the year because they don't want to earn more than the $17,000 limit.

We should recognize that enacting this legislation is not without its tradeoffs. Those who have their benefits reduced because of the earnings test today receive higher lifetime benefits after they turn 70. For some retirees, this tradeoff could cost them in the long run. But for seniors who are having trouble making ends meet today, the promise of higher benefits after they turn 70 seems hollow indeed.

So I am glad that we are finally at least taking this first step toward restructuring the Social Security system to face the realities of our workforce in the 21st century. I am also glad, that even in this highly charged political climate, Democrats and Republicans can still find some issues that we can agree on.

I hope we can continue to look for more issues like this as the session continues. Putting aside our political differences for the good of the American people, after all, is what the public wants.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in strong support of H.R. 5, the Senior Citizens Freedom to Work Act, and the repeal of the Social Security earnings limit.

This is a day that many of us have worked toward for a long time, and the sooner we can pass this bill and send it in to the President, the better. Our seniors deserve it.

I think by now we all know how the earnings limit works. It penalizes seniors between 65 and 70 who receive Social Security benefits but also continue working. For every $3 they earn over the earnings limit, they lose $1 in benefits. Under current law, in 2000 the limit is $17,000. It rises to $25,000 next year, $30,000 in 2002, and with inflation after that.

The earnings limit is a Depression era relic whose time has come and long gone. It first became law back in the 1930's when Social Security was started, and was passed by Congress as a way to encourage seniors to retire so that their jobs could be taken by younger, unemployed workers.

At a time when our economy was fighting for its life, and unemployment was close to 25 percent, an earnings limit might have seemed like a good idea. Now when unemployment is threatening to dip below 4 percent and many of our nation's employers are

clamoring for more workers, it's clear that the earnings limit has outlived whatever usefulness it once might have had.

From time to time over the years, Congress has looked at changing the earnings limit. In fact, several times we did tweak it here and there by raising the income level. But, like a vampire, the earning limit has been hard to kill altogether—it continued to threaten seniors and their livelihoods.

Now we have the opportunity to get rid of the earnings limit altogether. I say that it's time to drive a stake through the heart of the earnings limit once and for all.

Mr. President, I was privileged to serve in the other body as the chairman of the Social Security Subcommittee for 4 years, and before that as the Ranking Member for 4 years. It was my bill that we passed in the 104th Congress that lifted the earnings limit to its current level of $30,000 from what was then $11,250.

If we could have repealed it altogether, we would have. But the budget landscape was different back then. We were still looking at huge deficits, and we were using Social Security surpluses to finance general government programs.

Now things are different. We have budget surpluses across the board, and we can focus on doing the right thing for seniors irrespective of other spending and tax needs. Our economic prosperity has handed us a golden opportunity to repeal the earnings limit. Times have changed for the better.

I know there are others in Senate who have worked on this issue for years. But, for my colleagues who have not lived with legislation to repeal the earnings limit as long as some of us, let me just briefly describe for them what it has been like over the past 14 years for those of us who have been trying to pass legislation.

In 1987, those of us who had just been elected to the House for the 100th Congress adopted as a project the repeal of the earnings limit. And at least 11 bills were introduced in Congress to lift or repeal the limit altogether, and we worked the issue hard. But, nothing happened. It was like banging your head against a wall.

Then during the 101st Congress, then-Congressman Denny Hastert, and another 100th congressional class member, introduced a bill to repeal the limit and got 267 cosponsors in the House. Again, nothing happened.

In the 102d Congress, we managed to get 278 supporters in the House to support our bill to lift the earnings limit. We talked up the issue constantly. Still, nothing.

So we kept plugging along, and once again in the 103d Congress, we introduced a bill and signed up over a majority of the House—225 Members—on our legislation. But, guess what? Nothing happened.

Then something did happen. In 1994, Republicans took control of Congress. And in 1995, as part of the Contract with America, we passed legislation to lift the earnings limit to its current annual level of $30,000. This was one of the most popular bills we passed that year, and I was proud to be the lead sponsor.

But, we still weren't finished because this proposal was part of larger legislation that was vetoed by President Clinton as part of his government shutdown strategy. He said he liked the earnings limit repeal, but he vetoed the bill anyway.

So we were back at Square One. But, we took the President at his word that he liked the earnings limit repeal, so after the veto we quickly passed a stand-alone bill in the House to increase the earnings limit in late 1995. The next March, we included it in must-pass legislation to lift the Federal Government's debt ceiling, and it was signed into law.

In all, it took almost 10 years to raise the earnings limit, so I hope my colleagues keep this in mind now that we have a chance to act quickly to get rid of the limit altogether.

Mr. President, people are living longer and longer. And many of them want to work after they turn 65. They want to work longer, and they can do more. Why on earth should we penalize them—by taking benefits they have already paid for—for doing that?! It just doesn't make sense to pay them with one hand, and to rob them with the other.

The average life expectancy for women in America is almost 80 now. For men, it's getting close to 75. That's a big increase from must a few decades ago when we passed Social Security and the earnings limit.

Now, many seniors want, and need, to work for income after they officially retire. Social Security and pensions sometimes aren't enough, and if seniors want to feather their nests with a salary, more power to them.

I urge my colleagues to vote for this bill. Not only will seniors thank us, we can take heart in knowing that the Congressional Budget Office tells us that we will even save $700 million in Social Security administrative costs by repealing the earnings limit. There are 800 employees at SSA who help administer the earnings limit. After this bill becomes law, they will be freed to perform other tasks for the Social Security Administration.

We have the opportunity to do away with the earnings limit altogether, and I say ''the sooner the better.'' I can't think of one good reason not to pass this bill immediately, and get it down to the White House as soon as possible. It's good policy, it's good politics and it's the right thing to do for our seniors and our country.

Mr. KENNEDY. Mr. President, today, the Senate is making an important reform in Social Security which will benefit hundreds of thousands of senior citizens each year. Because of the action we are taking today, those between the ages of 65 and 69 who continue to work will no longer have a portion of their Social Security benefits withheld. The ''earnings test'' in current law reduces the Social Security benefits of those in the 65 to 69 age group by $1 for every $3 they earn annually over $17,000. It affects nearly eight hundred thousand men and women each year. It unfairly denies them a portion of the Social Security benefits which they have earned by a lifetime of hard work. Once this bill is signed into law, these seniors will receive the full benefits to which they are entitled whether or not they choose to remain in the workforce after age 65. President Clinton has urged Congress to repeal the earnings limit, and he will sign the bill as soon as it reaches his desk. Repeal of the earnings limit is the right thing for us to do, and now is the time for us to do it.

The concept of an earnings limit goes back to the Depression era when Social Security was first enacted. At that time, unemployment was high and it was hoped that the creation of Social Security would encourage older workers to retire and create openings for younger men and women who desperately needed jobs. The employment picture today is dramatically different. We face a shortage of skilled workers and our economy can benefit from the continued participation of older workers in the workforce. Their experience and sound judgment is a national resource. Men and women in their late sixties are healthier than in generations past and the majority of jobs no longer involve physical exertion. Those who choose to work beyond age 65 should not have financial barriers erected in their paths. The earnings limit in current law is such a barrier and it should be removed without further delay.

The most important aspect of repealing the earnings limit is that it will increase the freedom of senior citizens to work or retire as they choose. When to retire is an intensely personal decision—influenced by the individual's health, the financial needs of their family, their career interests, and the nature of the work that is available to them. The rules of Social Security should not restrict a senior's range of choice. Those who decide to continue working after age 65 and those who decide to retire should be treated equitably. Both groups should be eligible to receive the full Social Security benefits they have earned.

In 1996, I was pleased to join with my Senate colleagues in voting to raise the earnings limit gradually over the succeeding five years. Because of that amendment, the financial burden on thousands of senior citizens has already been reduced. With enactment of this legislation, which I wholeheartedly support, the burden of the earnings limit will be completely eliminated, so that all seniors receive full Social Security benefits, whether or not they remain in the workforce after age 65. They have earned it.

Several of my colleagues have used this legislation as an opportunity to voice their perspective on the future of Social Security, and they have painted a bleak picture. I strongly disagree with their characterizations.

Social Security is fundamentally sound. It has sufficient resources to fully fund current benefits for 35 years. Due to the gradual aging of the American population, Social Security will begin to experience a revenue shortfall after 2035. However, if we plan for the future by addressing this problem in the near term, that revenue shortfall can be eliminated with relatively minor adjustments to the system. The benefit expectations of future recipients can be preserved, and the solvency of Social Security insured for future generations.

We need to preserve the program as an inflation adjusted guaranteed benefit for those who depend on it to pay for the basic necessities of life. For two-thirds of America's senior citizens, Social Security retirement benefits provide more than half their annual income. For 42 percent of them, it constitutes more than three-quarters of their income. Social Security enables millions of elderly to spend their retirement years in security and dignity. Without Social Security, half the nation's elderly would be living in poverty. Converting a portion of Social Security into private investment accounts, as some have suggested, would be much too risky for elderly men and women who have no other source of financial security.

The major proposals which would direct a portion of each worker's payroll taxes into private accounts would all reduce the level of guaranteed Social Security benefits substantially. Whether or not a retiree made up those lost dollars would depend on factors largely beyond his or her control. Workers who reach retirement age during an economic downturn cannot simply delay their retirement indefinitely until the market goes up. Private accounts, subject to the ups and downs of the stock market, are fine as a supplement to Social Security. But, they are no substitute for Social Security.

President Clinton's budget proposal would use the debt service savings which will result from paying down the national debt over the next fifteen years to extend the life of the Social Security Trust Fund. Since the current Social Security surplus is being used to pay down the debt, it is appropriate for the Social Security Trust Fund to receive the resulting savings. More than half of the projected shortfall in the Trust Fund over the next 75 years could be eliminated by adopting this policy. If we dedicated all of the savings in debt service costs to the Social Security Trust Fund, the solvency of the system would be extended to beyond 2050, fully providing for the retirement of the baby boom generation.

We need to address the long term financial problems of Social Security in a way which keeps faith with the historic mission of the program—to provide senior citizens with a guaranteed, inflation adjusted benefit which will enable them to live in security and dignity.

I urge all my colleagues to support the Senior Citizens Freedom to Work Act. Repeal of the earnings limit will enable those who remain in the workforce beyond age 65 to receive the full Social Security benefits they have earned. It will greatly help these working seniors and it will strengthen our overall economy. It is the right thing to do.

Mr. JEFFORDS. Mr. President, I rise today to support elimination of the Social Security earnings test for individuals who have attained Social Security retirement age—currently age 65. Currently, if these retirees work, their Social Security benefits are reduced $1 for every $3 of earnings above $17,000 per year. This is an unfair result for many older Americans who are receiving Social Security benefits after a lifetime of work but who must continue to work to supplement their retirement income. In my own state of Vermont, many people work beyond age 65. They should not have to give up a portion of their hard-earned Social Security benefit because they need to take a job.

The earnings test can also be a problem for employers. Older workers are often in demand by employers because of their expertise and an overall tight labor market. The reduction in Social Security benefits can be a barrier to older workers reentering the workforce.

The earnings test presents a special problem for small business owners receiving Social Security benefits. Small business owners are subject to both the dollar earnings test and a self-employment test that can involve an extensive audit to establish their level of earnings. Eliminating the earnings test will also eliminate the need for these audits. And removing the incentive for older small business owners to retire could mean continued employment opportunities in their businesses for other older workers.

There has been an earnings test for Social Security benefits since the Social Security Act was passed in 1935, during the Great Depression. The earnings test originally was a way to encourage older workers to retire, to free up jobs for younger workers.

The earnings test has always been unpopular, especially with those age 65 and older. In response, Congress has changed the earnings test provisions several times over the years—increasing the amount a benefit recipient can earn without a benefit reduction. The earnings limit for those age 65 and older currently is $17,000 and rises to $25,000 in 2001 and to $30,000 beginning in 2002. It provides a higher earnings limit and smaller reduction for older benefit recipients—$1 for each $3 of annual earnings over $17,000 for those age 65–69, compared to $1 for each $2 of earnings over $10,080 for those age 62–64—and lowering the age at which an individual can work without suffering a benefit reduction to age 70 from age 72. It is time now to further lower that age to the Social Security retirement age, so that once a worker reaches that age—currently 65—the worker's Social Security benefit will not be reduced, no matter how much the worker earns.

We have before us legislation to eliminate the earnings test for individuals at Social Security retirement age. I have cosponsored Senator ASHCROFT's bill, S. 2074, and we have the House-passed bill, H.R. 5. These bills would free the approximately 800,000 Social Security benefit recipients currently ages 65 through 69 from the current law that reduces, and in some cases eliminates, their Social Security benefits if they work and earn above the earnings test. I urge my colleagues to act quickly to make this legislative change for older working Americans.

Mr. ASHCROFT. Mr. President, this morning I spoke in morning business on the repeal of the Social Security Earnings Limit, an onerous tax burden on seniors who want to continue working. This afternoon, while we are discussing the bill, I would like to re-emphasize my support for repealing this unfair test.

Earnings test is a misguided and outdated relic of the Great Depression—when jobs were scarce, unemployment high, and people did not live as long and healthy lives as they do today.

By limiting the amount a person 65–69 can earn, it provides a disincentive for seniors to work. For every dollar a senior aged 65–69 earns over $17,000, the government reduces benefits by $1 for each $3 of earnings.

This test penalizes 1.2 million working seniors nationwide, and 17,523 working seniors in Missouri suffer. The actual number of seniors affected is far greater, though, as millions of seniors choose not to work, or limit their earnings because of the penalty.

The effect of this test is to keep seniors out of the workforce, and it has serious consequences. More workers create more jobs, not fewer jobs. With our current unemployment rate of 4 percent—we need skilled and experienced workers.

Unfortunately, the earnings limit keeps too many qualified, experienced seniors out of the workforce. Seniors have the skills, integrity, work ethic, and experience that make them highly valuable members of the workforce. Their continuing contributions are crucial. The only limit to what they have to offer is the earnings limit.

Recently, I spent some time with constituents in Missouri, and found many seniors in my home State of Missouri are harmed by the earnings test. Beverly Paxton from Belton, who works with ''Green Thumb'' to find jobs for seniors, told me that hundreds of seniors would be eager to work without the earnings test. Furthermore,

some don't try to work for fear that the Social Security Administration might take their benefits away. Seniors don't want to visit a CPA to find out if they will lose benefits.

In addition, many more seniors limit their hours to avoid the test. A manufacturer in Belton told me that some seniors work until they reach eligibility, then tell the employer: ''I won't be here next week, I'll see you next January.'' This leaves employers in the lurch, having to absorb training costs or heavy overtime costs. These decisions based on the earnings test impose productivity costs on the economy.

Even when seniors work around the test, they suffer unexpected costs. C.D. Clark, from Florissant, Missouri, and who has since moved to Kentucky, had earned $25,000 before trying to limit earnings to protect himself from the test. This year, he planned to only work 8 months so that his Social Security benefits would not be cut.

The Social Security Administration, however, assumed he would earn the same amount, and withheld his Social Security checks from January through March of this year. When Mr. Clark complained to the SSA that he had not yet earned $17,000, he was told, ''We like to get our money up front.''

I recently received a letter from Lois Murphy of St. Louis, who is 65, and works part time as an RN in the operating room at St. John's Mercy Medical Center. The hospital suffers from a labor shortage, and needs help from women like Mrs. Murphy, who are experienced and willing to work. But she limits her hours because of the earnings limit, taking a skilled, experienced—and needed—worker out of the hospital.

In her letter, Mrs. Murphy wrote: ''The $17,000 limit a person could earn plus the small Social Security check is not enough to live comfortably and enjoy your senior years.'' Mrs. Murphy neatly summarized this issue in one simple sentence: ''I think if a senior citizen at age 65 is willing to work, they should be able to earn a lot more or not have a limit.'' I believe that Mrs. Murphy is right. Seniors should have the freedom to earn if they choose. But the problem is that they don't have that choice. We must send the earnings test into retirement.

I have been working on this since I came to the Senate. In 1995, I voted to substantially increase the limit. In 1997, I called for the elimination of the test and cosponsored legislation that would get rid of it. This year, I have introduced legislation that would eliminate the test. My bipartisan legislation has 43 cosponsors, including the entire majority leadership.

Organizations that support me on this include: Green Thumb, 60+, the Seniors Coalition, National Association of Home Builders, National Taxpayers Union, the U.S. Air Force Sergeants Association, CapitolWatch, Americans for Tax Reform, the U.S. Chamber of Commerce, the National Tax Limitation Committee, and the United Seniors Association.

It is time to eliminate this counterproductive and unfair penalty. The House has already acted. The President is prepared to sign this. Thanks to the hard work of Chairman ROTH, who is managing this bill, the Senate is now ready to pass the earnings test repeal as well. I urge my colleagues to join us in support of this measure, and grant seniors the opportunity to earn freely in their golden years.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Social Security Earnings Test Elimination Act of 2000, which I have cosponsored.

The earnings limit is the amount of money a Social Security recipient can earn without having a portion of his or her benefits deferred. Currently, that limit is $17,000 per year for retirees between the ages of 65 and 69. For every $3 in earnings above that limit, these seniors have $1 in benefits deferred.

I believe that this is grossly unfair. Last year, my colleague from Iowa, Senator GRASSLEY, and I proposed lifting the Social Security earnings test on retirees between the ages of 65 and 69. We did not propose outright elimination because we did not think, at that time, that the surplus would be large enough to sustain elimination. Now, a year later—and thanks to our continued economic boom—I believe it is possible to eliminate the earnings test outright, and still adhere to a responsible and fiscally sound budget.

Over 1 million seniors nationwide face this earnings test. My own state, California, has more seniors affected by the earnings test than any other state: 161,000, according to the Bureau of the Census.

For these 161,000 Californians—and hundreds of thousands of others all across this country—this legislation represents an important step in removing the unfair burden that the earnings test places on them simply because they wish to continue working. As President Clinton said in his February 29 letter to House leaders:

> We should reward every American who wants to and can stay active and productive.

For example, a letter I received from the American Health Care Association holds:

> The nursing facilities we represent make a concerted effort to employ senior citizens to care for their peers. They're reliable and honest workers, who have compassion for those in their care. We have had difficulty hiring or retaining these employees because of the threat of losing Social Security benefits after their annual earnings have passed $17,000.

Elimination of the earnings test is important not just to those retirees who want to continue to work, but to those who need to continue to work and who are currently faced with an Hobson's choice: Continue to work and have Social Security benefits reduced, or stop working and rely only on Social Security for retirement security. For all too many of these retirees—over half of those helped by this legislation have incomes under $45,000 per year, including Social Security—both of these choices leave them financially squeezed. For women, who are twice as likely as men to retire in poverty, this is an especially important issue.

This legislation offers a third choice: Continue to work and continue to receive those Social Security benefits.

Moreover, I believe that elimination of the Social Security earnings test is warranted because the original logic of the earnings test no longer holds. Congress imposed the earnings test to provide a ''disincentive'' to older workers to continue to work, so as to make room for younger workers during the Great Depression. In our new, twenty-first century economy, unemployment is at historic lows and firms are nearly desperate for workers.

I do not believe that passage of this legislation will address many long-term problems regarding the solvency of the Social Security system. We have much work remaining on that score. But for the hundreds of thousands of seniors who either need or want to continue to work past age 65, this legislation represents an important step in creating a fairer and more secure retirement. I urge my colleagues to support passage of the Social Security Earnings Test Elimination Act of 2000.

Mr. SMITH of New Hampshire. Mr. President, as a cosponsor of this important legislation, I believe the time has come for us to put an end to the Social Security earnings test.

Our seniors have worked hard to build a life for their families and have given up a great deal to provide a future for all of us. They have made sacrifices far beyond what has been required of most of us.

And yet, many in Washington and in the White House have sought to reward seniors by snatching more and more of their hard-earned dollars.

Unfortunately, staying in the work force is often not a choice, but a necessity. Many seniors are forced to work either for survival or because they must supplement their meager monthly Social Security check.

Seniors should not be punished for simply trying to make it to the end of the month.

This bill represents the first step in reversing many of the punitive taxes we have levied on both seniors and working families across America.

I ask my colleagues to vote in favor of this monumental legislation.

Every year, about 800,000 seniors suffer the affects of the Social Security earnings test—many of whom can barely afford the month's rent or proper meals.

Under the current law, recipients of Social Security between the ages of 65 and 69 can only earn up to $17,000 without penalty.

However, any income in excess of $17,000 would have the Federal Government taking $1 for every $3 they earn.

This means that the Federal Government is imposing a marginal tax rate

of 33 percent on the poorest segment of our society. But it does not stop there.

Andrew Quinlan, executive director of Capital Watch correctly states:

To further add insult to injury, workers must also pay a host of taxes on the original dollar, which may raise their marginal income tax rate to greater than that of sports stars and Wall Street high rollers.

Sandra Butler, president of United Seniors Association echoes that thought:

The punitive nature of the Earnings Limit is obvious; By itself, the Earnings Limit imposes a 33 percent marginal tax rate on seniors.

Ms. Butler continues:

In combination with federal income and payroll taxes, the Earnings Limit forces seniors to pay higher marginal tax rates than millionaires. This is unconscionable.

I must agree. Some seniors could be looking at a marginal tax rate of 59 percent. This tax is unconscionable. But as Machiavellian as that may sound, it gets worse for seniors who are forced or choose to retire early.

Seniors who retire between the ages of 62–65 have $1 for every $2 they earn in excess of $10,080 confiscated from their check. Translation: Uncle Sam is taking half of every dollar earned from those who can least afford it.

Established during the depression of the 1930's, the earnings test was meant to discourage older workers from re-entering the labor force and taking jobs from younger workers.

However, with the extremely tight labor pool available to employers today, it makes sense to access the experienced, productive, and valuable work force seniors represent.

Gerald Howard, senior vice president with the National Association of Home Builders agrees.

He says:

Because the skills of decades ago are no longer taught in current education and training programs, home builders recognize the special need to keep and utilize the unique talents of retirees.

For our nation's home builders, retaining skilled retirees is important in meeting our workforce needs.

According to the Department of Labor, 240,000 new workers must be recruited and trained each year to meet the Nation's growing demands in the building industry alone. However, these requirements are not being met.

And it is not limited to the building industry. All sectors are feeling the pinch.

Dr. Charles Roadman, president and CEO of American Health Care Association has urged the President and the Vice President to ''take bold action to ease the shortage of skilled nursing professionals that has reached epidemic levels'' by supporting the Congress in their effort to eliminate the earning penalty.

If we wish to continue growing the economy, we must free up those with the experience and know-how to meet countries employment needs—our seniors.

Unfortunately, the Social Security earnings test serves as a disincentive for those who may wish to work. This disincentive effect is magnified when viewed on an after-tax basis.

Senior citizens who work stand to lose a substantial percentage of their Social Security benefits due to the Social Security earnings test.

In addition to the earning test tax, they must also continue to pay Social Security taxes, and, most likely, other Federal and State income taxes as well.

The Social Security earnings test forces senior citizens to avoid work, seek lower paying work, or get wages ''under the table,'' turning honest folks who are just trying to get by into common criminals.

The Social Security earnings test is unfair and inappropriate. It imposes a form of ''means test'' on retirement benefits.

Social Security benefits have been earned by a lifetime of contributions to the program. American workers have been led to regard Social Security as a government-run savings plan.

Indeed, their acceptance of the near 15-percent Social Security payroll tax has been predicated on the belief that they will get their money back at retirement.

Thus, most Americans do not accept the rationale that the return of their money should be decreased just because they continue to work.

Additionally, the Social Security earnings test discriminates against senior citizens who must work in order to supplement their benefits.

Clearly, the Social Security earnings test is inequitable to our Nation's senior citizens who are in the greatest need of extra income.

In addition to being complicated and difficult for folks to understand, the Social Security earnings test is complex and costly for the Government to administer.

For example, the test is responsible for more than one-half of retirement and survivor program overpayments.

Elimination of the earnings test would help minimize administration expenses, and recipients would be less confused and less tempted to cheat on reporting their earnings.

Finally, repealing the Social Security earnings test would greatly aid our country's economy. Our senior would be likely to work more and the American economy would benefit from their experience and skills.

The combined increase in the amounts that they would pay in Social Security and other taxes, as well as the additional contribution to our gross domestic product, would largely offset the increase in benefit payments.

For decades, our senior citizens have worked and dutifully. They have paid their share into the Social Security retirement account and it is only fair that they receive their Social Security benefits in full when they retire.

I ask my colleagues to join me in passing this legislation.

Mr. CRAPO. Mr. President, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act. This bill, which unanimously passed the House of Representatives on March 1, would end the practice of withholding a portion of Social Security benefits simply because a beneficiary chooses to work beyond the statutory retirement age.

The Social Security earnings test has always been one of the most illogical aspects of the Social Security system. Under current law, a beneficiary between the ages of 65 and 69 may only earn up to $17,000 without losing benefits. After that amount, $1 of Social Security benefit is lost for every $3 of earnings.

Throughout my tenure in Congress, I have supported efforts to minimize the effect of the earnings test. For example, in 1998, I supported the Taxpayer Relief Act which would have raised the level of exempt income to $39,750 in 2008. Unfortunately, the 105th Congress adjourned before the Senate could consider this legislation. While raising the earnings limit would have been a step in the right direction, a total elimination of the earning test is clearly the right thing to do.

The Social Security Administration estimates that 800,000 beneficiaries are affected by the earnings test. People spend a lifetime putting that money into their Social Security accounts and they ought to have full access to it without limiting their other opportunities for making an income. The present system is holding them down, it is holding the economy down, and it should be changed. It is wrong to withhold any portion of a benefit that was duly earned by years of work and contributions to the system. Social Security was not meant as a single source of retirement income. Why then does the government penalize those seniors who choose to earn additional income through work? This is especially confusing in a time of low unemployment when companies are desperately looking for skilled and experienced employees. Government should encourage self-sufficiency, not penalize it.

I am pleased that H.R. 5 will be brought to a vote shortly. I am a cosponsor of a similar bill introduced by Senator ASHCROFT. These bills would completely eliminate the earnings test for Social Security recipients who have reached retirement age, allowing them to earn outside income without a reduction in benefits. What we have now is a disincentive for people to work who want to continue to contribute to our growing economy. Any meaningful reform of Social Security should preserve the system and allow those who want to work to continue to do so. This measure is the right thing to do and is long overdue.

I congratulate the House of Representatives on its unanimous passage of this bill and am encouraged that President Clinton has voiced his support for the bill. I would also like to thank Senator ASHCROFT for his leadership on this issue. I urge my colleagues

to join me in passing this bill and restoring a measure of fairness for senior citizens.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, in 1991, I spent one of my monthly workdays at a Winn-Dixie grocery store in Santa Rosa County, FL. I worked as a bagger standing at the end of the checkout line putting the groceries of the customers of that store into a paper or plastic bag they had selected and then taking it out to their car.

The man I worked with throughout that day was Jim Young. Jim has a history that is typical of many retired Americans. He had worked both in a military and a civilian capacity. He had looked forward to his retirement time in a place of paradise and came to a place where he thought he could find paradise. Unfortunately, Jim had a few difficulties that had the effect of necessitating he seek employment in order to supplement his retirement income. It was then that he encountered the restrictions on earnings after retirement and the impact that this was about to have on his Social Security. Jim, therefore, had to go through an elaborate process of adjusting his work schedule so as to minimize the adverse effect of the earnings limit on his total income and to be able to fashion his way through what he found to be an inexplicable restriction on his capacity to work, make a contribution, and supplement his income.

It was that experience with Jim as much as anything that caused me to be interested in the issues before us today. I am pleased to have played a role in the 1996 action which was described by our colleague from Kentucky, which substantially raised the cap on earnings to its current $17,000 and gave significant relief to people such as Jim Young.

Today, we are finishing the job. With the passage of this legislation, we will eliminate any earnings restraint on Social Security retirement income. We will no longer be shackled by a 1930s concept that we have to discourage older workers from continuing their productive lives in order to open up positions for younger workers. If there ever was a time in our Nation's history where that concept has been rendered an anachronism, it is at the beginning of the 21st century. We need the productive talent of Americans such as Jim Young. We need to encourage people to think they will be able to extend their period of working and contributing to our Nation's economy as long as it is in their interest to do so, and not by applying arbitrary restraints to their earnings in the form of a penalty against their Social Security income.

I will be very pleased tomorrow when we vote on what I anticipate will be an overwhelming majority in favor of eliminating this 1930s dinosaur which still occupies too big a space in the living room of Social Security.

I wish to use this opportunity to talk about another dinosaur that is occupying too much space. That is the dinosaur of an excessive focus on Social Security as we think about the retirement lives of older Americans. In fact, Social Security is becoming a declining portion of the total revenue of retired Americans, and will continue to decline as a portion of their income for the foreseeable future.

Retirement in America is today based on a three-legged stool. Those three legs are employer-sponsored retirement plans, individual savings, and Social Security.

I believe, rather than talking about the issue of Social Security reform, what we should be talking about is the issue of retirement security reform so we can focus on all of the relevant components of the retirement package upon which most Americans rely. We need to add a fourth component to this discussion; that is, a much more intense effort at encouraging Americans to plan for their retirement.

It has been said—and not only in jest—that most Americans spend more time planning a 2-week summer vacation than they do the 15, or 25, or more years they will live in retirement. That may have been a practice that was acceptable when retirement was not as complex as it is today, when retirement did not involve as much self-responsibility as it does today, when retirement did not include as many facets, from long-term care to providing for your physical health and well-being.

I believe these four components—employer-sponsored retirement plan reform, encouragement of individual savings, strengthening Social Security, and the promotion of preretirement planning—are the basis of an American national effort at enhanced retirement security. The goal of that enhanced retirement security should be to place all Americans in a position to be able to, with reasonable assurance, anticipate that they will have in retirement a significant percentage of their preretirement income. Many have suggested that the appropriate goal would be 75 percent of preretirement income as the reasonable attainable goal of America.

What do we need to do in order to reach a 75-percent goal? Soon I will be introducing legislation that will encompass the subjects of employer-sponsored retirement plans, individual savings, strengthening Social Security, and the promotion of preretirement plans.

This afternoon, in the context of the elimination of one old attitude from our Social Security system; that is, the necessity to cap the earnings of retirees, I will lay out a few comments about the elimination of another old attitude, that the only thing we need to focus on is Social Security reform. We need to focus on employer-sponsored retirement plans, particularly as they relate to small businesses.

In my State, in the last 5-plus years, we have added well over 1 million new jobs. Most of those new jobs have come from businesses that employ less than 25 people. In fact, over 70 percent of the new jobs in America are from small businesses with less than 25 employees. It is exactly those small businesses that are the least likely to have an employer-sponsored retirement plan.

I believe—and so does Senator GRASSLEY of Iowa, with whom I have worked closely on these matters—that the principal focus of our attention needs to be to encourage small businesses to provide pension benefits for their employees. We introduced legislation to this end. That legislation, styled as S. 741, contains the following components:

It expands coverage by providing incentives for small businesses to begin offering pension coverage.

As an example, it will assist small businesses in paying some of the start-up costs in the establishment of a pension plan. It increases portability, making it easier for employees to move retirement money from one plan to another as they change jobs. We know today the average American will work at seven jobs during the course of their working lifetime. They need to be able to carry their pension benefits from one job to the next.

S. 749 strengthens pension security and enforcement. It reduces red tape associated with pension plans and has its own encouragement for retirement education.

The second thing we need to do is to assist Americans with their retirement savings. Again, the focus is on Americans who work for smaller businesses where most of the new jobs are being created, and Americans who have not had a tradition of saving as part of their retirement security.

The President has proposed a program in which the Federal Government provides matching contributions for lower and moderate-income families who save for retirement. The structure of this utilizes existing savings vehicles such as IRAs, or individual retirement accounts, and 401(k)s. Rather than creating new government-run accounts, we utilize the structure in which many Americans already have started the process of saving for retirement.

There would be economic incentives provided to lower income families to encourage their employers to offer these plans. Employers are finding in this very tight job market that they need to provide incentives to retain their current workforce and attract new workers. It is hoped by encouraging more employers to provide retirement savings accounts such as IRAs and 401(k)s that it will make it more attractive for persons to work for those employers.

We are suggesting there should be some modifications of the current IRAs and 401(k)s, particularly in two areas. One, we propose to restrict the ability to withdraw funds from the 401(k)s or IRAs. There are many important, legitimate, credible reasons why a person

would want to withdraw money from their retirement accounts—to buy a new home, finance education, or deal with an unexpected health emergency. However, if too many of those allowances for withdrawal are legalized we could end up with many Americans having a hollowed-out retirement account. They have a retirement account in substance, but the resources have been withdrawn for purposes earlier in their lifetime. We want to give the maximum assurance that if the Federal Government is going to be supplementing retirement accounts, the funds will end up financing retirement.

We also propose to restrict the investment options in order to maximize the fund safety. Retirement accounts are not intended to be casinos. They are accounts with substantial emphasis on security and predictability so that people will have a sense of confidence in their retirement years.

The third element is Social Security, its solvency and safety. In my opinion, Social Security should be thought of as the safety net underneath individual savings and employer-based pension systems. It is the ultimate and final source of retirement security. For that reason, I believe Social Security should continue to be what it has been since its inception—a defined benefit plan. That is a plan in which Americans will have a high degree of confidence as to what that check will be every month from Social Security. Social Security is not the place to be encouraging excessive speculation. There are other opportunities where people can engage in speculation if they wish to use their retirement as a means of attempting to expand their net worth. I do not believe Social Security is the place to do so. Social Security provides 67 percent of America's single-person households with one-half or more of their income; Social Security provides 44 percent of the multiperson households with one-half or more of their income.

However, Social Security is facing serious challenges. We are all familiar with the demographics. Over the next 20 or 30 years, the number of persons drawing Social Security will approximately double from its current 40 million. The 1999 Social Security trustees report stated that the Social Security program lacks the resources necessary to meet its contractual obligations over the next three generations. Using the trustees' immediate forecast, Social Security revenue will fall short of the amount needed to fund existing committed benefits by as much as 15 percent.

I believe there are a number of reforms we need to make in the Social Security system in order to strengthen it and to assure that the contract which exists between the Government of the United States of America and the citizens of the United States of America can and will be honored. One proposal which has been made by the President which I strongly support is the concept that we ought to allocate a portion of the non-Social Security surplus to help meet this pending shortfall in the Social Security trust fund.

What is the justification for using non-Social Security surplus to strengthen Social Security? Almost every Member of Congress has now accepted enthusiastically the principle that all of the Social Security surplus should be used to pay down the national debt as a means of strengthening our ability to meet our Social Security obligations. I certainly join those strong supporters of that fiscally prudent practice and principle. It is estimated we will have approximately $2 trillion of Social Security surplus over the next 15 to 20 years. If we maintain our discipline and use those funds to pay down that portion of the national debt which is held by the public, when fully reduced we will find an annual interest savings—assuming interest rates are approximately what they are today—of about $120 billion a year that we will not have to pay in interest because we have used that Social Security surplus to pay down the debt currently held by the public.

I believe all or a substantial portion of that $120 billion of interest savings ought to go into the Social Security trust fund. It was the Social Security trust fund and its surpluses, the additional amount paid by working American men and women, which made it possible to use the Social Security to pay down the national debt. Why isn't it justified, why isn't it both legally and morally appropriate, to then have a portion of those interest savings—I personally advocate all of those interest savings—to then be used to strengthen the very Social Security system which has made that debt reduction possible?

The fourth component of a national program of retirement security is to promote greater preretirement planning. There is going to be much greater individual responsibility for preparation for retirement for this and future generations of Americans. They need to be encouraged and given the means by which to make intelligent decisions, intelligent decisions occurring almost immediately as they enter the workforce so they will be as well prepared as possible for their retirement years. These decisions are going to be complex. They will require changes in attitude, in lifestyle. They will particularly require a greater focus on savings rather than consumption.

I believe, for instance, we should consider using the Social Security notices, which are now going to be provided on an annual basis to all future Social Security recipients, as a window so Americans can see the kind of information they will need to make good choices on a whole array of issues that will affect their status in retirement, from purchasing long-term care insurance—which I hope we will soon make more affordable by changes in the tax law—to steps they should take to assure their physical, emotional, and mental health in their retirement years as well as decisions which affect their finances in retirement.

So these are the four components of a 21st century approach to Americans in retirement. I look forward to soon returning to the Senate floor to introduce this legislation and to speak on it in somewhat greater detail. I encourage my colleagues to take an interest in this important subject, and I invite them to join me.

Again, I am enthusiastic about the action we are about to take in which we eliminate an anachronism from the 1930s which continues to be part of our Social Security system in the 21st century. I hope we will soon be prepared to take strong action to deal with some of the old attitudes that retirement was only Social Security, an attitude which also is an anachronism of the 1930s that continues to have too much saliency in the 21st century.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of the legislation being discussed today to be more fair to our senior citizens, to encourage them to work. I hope final passage will be voted on tomorrow.

I always like to follow the Senator from Florida because it gives me an opportunity to thank him for the cooperation he has given me in our work on some of the other legs of the retirement income stool. We think of Social Security as one of those, another is savings, and the other one is pensions. He and I have worked closely together in a bipartisan way to formulate pension legislation to encourage savings, to encourage employers to have established pension systems, and particularly to encourage the self-employed and smaller corporations to set up pension systems. So I thank him for that.

This legislation might not be considered part of the three-legged stool we always talk about of income security for retirement—Social Security, pensions, and private savings—but it is an opportunity for people who want to work, to work without penalty. That obviously is a very strong component, and heretofore there has been a disincentive to that activity. This eliminates that disincentive.

If I could sum up, I see at least two perspectives to this legislation.

One, as a matter of public policy in America, we should not have disincentives to productivity. Obviously, when you earn over a certain amount of money as a senior citizen drawing Social Security and you have to pay back $1 out of every $3, that is a disincentive to work. We ought to eliminate that disincentive.

A second factor is to judge people in American society on the basis of their competence and their merit and not on the basis of some arbitrary age, based on a policy that was thought good for the 1930s. Today we would not think it was good even for the 1930s. It does not

consider people's competence because the policy that was set up 65 years ago was, when you got to be 65, you were shoved out into the street to make room for younger people to come into the workforce. That was wrong.

The third thing about this legislation is the high rate of taxation. People who earn over this amount of money have to pay back $1 out of every $3 they earn over a certain amount. That is a very high marginal tax rate, maybe the highest marginal tax rate of any American.

Consider, if you earn over $17,000, you pay back $1 out of every $3. Consider also that you are already reporting, if you are earning over a certain income, 85 percent of your Social Security to be taxed a second time. It was taxed when you earned it in your working years; then consider that you pay income tax; then, last, you pay the same payroll tax everybody else pays. You can get such high marginal tax rates that it is almost a laugh to call it taxation. You should call it confiscation. Confiscation of resources in our system of government is not legitimate. It is a disincentive to productivity.

At a time in our Nation's history when we are experiencing unprecedented prosperity, we are also experiencing a shortage of experienced labor. The national unemployment rate is 4.1 percent, the lowest level in 30 years. In my home State of Iowa, it is even lower. Iowa's unemployment rate is 2.2 percent. The legislation we are debating would help alleviate some of the skilled labor shortage by removing a disincentive for older Americans to remain in the workforce if they, of their own free will, want to stay in the workforce.

The bill before us would eliminate the cap on earnings for Social Security beneficiaries between the ages of 65 and 69. Under current law, those beneficiaries have their benefits cut by $1 for every $3 they earn over that $17,000. I have already referred to that.

This benefit cut applies, of course, only to earned income. An individual could still have savings, or income from pensions, totaling any amount and continue to collect full Social Security benefits. The difference between earned and so-called unearned income does not detract from the injustice of the current Social Security and tax policy. That is why this law must be repealed. It sends a wrong message that productivity among our older citizens should be discouraged.

I would like to give some examples of people from whom I have heard in my own State who are hurt by this earnings limit.

A person by the name of Delaine Jones is working in Glenwood, IA. He is 65 years old. He understands he may live for another couple of decades and may not always be able to work. He would like to earn as much as he can while he is able to, so he can financially prepare for a high quality of life later in his life.

Then we have Sherman and Nancy Sorem of Marshalltown, IA. They were affected by the earnings limit last year.

Sherman worked for 35 years for Fisher Controls, a major corporation in Marshalltown, IA. When that corporation downsized, he retired from his position as office manager of the accounting department. However, because of his expertise, he was called back each year to help out and to advise and consult with the department.

Last year, Fisher Controls needed his expertise for a longer period of time than ever before. Unfortunately, Mr. Sorem could not continue working because he would have worked long enough to earn above the earnings limit. He and Nancy were frustrated. He could not justify losing his Social Security benefits by his continued work.

Ron Ballinger, a third person I have heard from, works for a financial processing company in Cedar Rapids, IA. He worked full time last year and was interested in working part time this year. However, he will have to officially retire in April because he will have earned up to the cap on earnings.

According to the Social Security Administration, almost 800,000 older Americans nationwide have their benefits cut because of the earnings limit. Mr. President, 800,000 people face the same issue as the three Iowans to whom I have referred. Keep in mind, that statistic does not reveal anything about how many of our older citizens do not remain in or go back to the workforce at all because they cannot afford a cut in benefits.

I have received letters and phone calls from all over Iowa and all over the country because in my position as chairman of the Senate Aging Committee, they write to me about their concerns even though I am not their Senator. These letters and phone calls are from older people discouraged by the earnings limit.

Their hard-earned Social Security benefits are cut by $1 for every $3 they earn. They see it as a tax on their continued productivity. I see it as unfair and, if I might say, even un-American. This very country of ours, particularly at this time of low unemployment, and particularly when you consider the globalization of our economy, needs skilled labor, skilled workers, people who are skilled because of a lifetime of work in a certain profession.

What happens if we do not fill that skilled labor void? We lose productivity. Then we lose our global competitive edge. Where can we look for skilled labor? We have qualified people who want to work, our older citizens. We cannot afford to lose their expertise and skills.

A letter I received from the U.S. Chamber of Commerce states:

American business is facing a severe worker shortage in many sectors and areas of the country. Jobs are going unfilled, especially those positions that require skilled workers. By removing the disincentive to work, this legislation allows seniors to apply their lifetime of valuable knowledge and experience to the business world and fill some of these positions.

Recognizing the need to encourage seniors to remain in the workforce is not a new idea. In fact, a report on Future Directions for Aging Policy was published in May of 1980 by the House of Representatives Select Committee on Aging, the Subcommittee on Human Services. At that time, I happened to serve as ranking Republican on that subcommittee when I was a Member of the other body.

I would like to read from the Future Directions for Aging Policy from 21 years ago. I refer to page 3 of the report summary:

At the base of such a service approach must lie an economic strategy. We have sketched such an economic base in Appendix 5. It is designed to coalesce around work and income. Tomorrow's seniors will want to work (trends toward early retirement are already reversing according to a recent Lou Harris poll), will be capable of working, and will need to work.

I remind you, this was 20 years ago that Congress said this.

Inflation's effect on fixed incomes will see to that. Public policy will have to create opportunities to work, both by removing barriers of age discrimination and by stimulating private sector employment of seniors. Moreover, income earned will have to be preserved for much longer than ever before, necessitating major reforms of America's pension systems.

That is something I have referred to that the Senator from Florida and I have been working on, as well.

Social Security and Supplemental Security Income, because these are the backbone of our present economic strategy, will probably have to be restructured in the future.

I think we have known for a long time that what we are finally about to do must be done. I am glad it is being done. The earnings test, enacted as part of the original Social Security Act passed in 1935, is outdated.

Sixty years ago, our country was in the midst of a depression. One in five people eligible to work was unemployed. The original law meant to discourage older Americans who were eligible to collect benefits from taking jobs younger people could fill. But that situation has changed—as unjustified as it was at the time—so our public policy today needs to be changed.

Because of my position as chairman of the Aging Committee, more acutely than others, I recognize the changing role of senior citizens in our society. This generation of older Americans has different responsibilities than past generations. We have seen a sharp rise in the number of grandparents who are raising their grandchildren. Furthermore, it is far more common for people to live into their eighties and nineties. Some of these very old Americans depend on their children who are often in their sixties to help care for them and pay for their at-home expenses, medical bills, groceries, and a host of other

expenses. Eliminating the Social Security earnings limit will help raise the standard of living for these families.

While fixing this inequity in the retirement system will give fair treatment to those ages 65 to 69 who have paid into the program during their working years, I do not stand here and say that it is going to address Social Security's long-term demographic challenges.

When the baby boom generation comes on board, the revenue and benefit structure will not be able to sustain the obligations under current law. That is why I have worked with six of my Senate colleagues—Senators JUDD GREGG, BOB KERREY, JOHN BREAUX, FRED THOMPSON, CRAIG THOMAS, and CHUCK ROBB—to craft bipartisan Senate reform legislation.

Our bill, the Bipartisan Social Security Act, which happens to be S. 1383, is the only reform legislation which has been put forth in the Senate which would make the Social Security trust fund permanently solvent—meaning, as you have to look out 75 years, under existing law, to project its solvency, our legislation has been declared to accomplish that by the General Accounting Office. In fact, it is the only one before the Congress that does that.

I will continue to press ahead and work to build a consensus among our colleagues to save Social Security and achieve long-term solvency for generations to come.

We, as a Congress, must recognize that even in this era of surpluses—meaning budget surpluses—there are serious long-term financial problems facing Social Security. These problems do not go away because we have a surplus and a good economy. The longer we wait to address reform of Social Security, the more difficult the problems will be to address, and the less time the baby boom generation will have to prepare.

As a nation, we have an evolving definition of what it means to be old. Americans are living longer and in better health. The traditional retirement age comes too soon for older people who want to or need to work past age 65. Some people want to retire; some people want to leave the workforce. Obviously, this legislation does not affect that decision of theirs. They can still do it. But if you want to contribute, if you want to remain productive, if you want to be in the workforce, by golly, through this legislation, we say we would love to have you do that. We remove economic disincentives to your doing that that are presently in the law.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise to address the body on the Social Security Earnings Test Elimination Act.

This is a good time. We are finally going to do something good for America's senior citizens. Americans should be free to work if they choose. With passage of this bill, we will help elderly Americans stay in the workforce longer. It should be their choice, not the Government's coercion, that determines whether they stay in that workforce a longer period of time.

They have spent a lifetime paying into the Social Security trust fund. It is simply not fair to deprive them of their Social Security benefits simply because they choose to stay in the workforce longer or choose to begin working again after retirement. That is common sense to me, and that is why this bill has so much appeal.

Particularly at a time when the cost of living is increasing, it is important to allow our seniors who choose to work or those who are forced to work because of rising prices to do so without being penalized.

I will talk about a particular individual in Kansas whom I had the privilege of meeting a month ago. His name is Ron Frampton, from Kingman, KS. He has farmed with his family most of his life. I met him when I was touring the Mize Manufacturing Company, a small manufacturer in Kingman, KS. Mr. Frampton came up to me as I was walking through the production line and asked me if we were going to eliminate the Social Security earnings test. I said I thought we were going to get the bill through. He said: Good; I need it.

Then he related to me his situation. He had worked on a family farm, was born on the farm and worked there all his life. Then in the 1980s, when we had a hard financial downturn for agriculture, he got caught in that downturn. His savings for his entire family were wrapped up in this farm. That is where he plowed all of his income, all of his savings, back into the farm. When the economy moved against him in the 1980s, he lost the farm and, thus, a big part of his life, a big part of his family, a big part of his sense of being. He also lost his retirement security that he had outside of Social Security. His retirement savings were that farm.

Now he has to work. He doesn't have the savings on which he had counted. He has to be able to work, and he needs the Social Security income as well. This bill helps Ron Frampton and his family in Kingman, KS. It addresses that need. It says if he needs to work, he wants to work, let him work, and don't penalize him for doing it.

This bill allows people older than 65 and younger than 70 to earn income without losing their Social Security benefits. That is as it should be. It is an important bipartisan measure that passed overwhelmingly in the House and, I expect, will pass overwhelmingly in the Senate. It sends an important and positive signal to America's retired workers who have spent their lives working to make this country better. We need this for America's seniors.

I am delighted we are going to pass this bill for all the seniors in the country but particularly for Mr. Frampton and for his family.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

ACKNOWLEDGMENT OF SENATOR MIKE CRAPO'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that another freshman has achieved the 100 hour mark as presiding officer. Senator MIKE CRAPO is the latest recipient of the Senate's coveted Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator CRAPO and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

TRIBUTE TO MAJOR GENERAL WILLIAM F. MOORE, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to a Mississippi native and distinguished Air Force officer, Major General William F. Moore, upon his retirement from the Air Force after more than thirty years of commissioned service. Major General Moore has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided to the Air Force and the Nation.

Major General Moore graduated from the U.S. Air Force Academy and received his commission in 1969. Since then, Major General Moore's assignments have made untold contributions to national security. Upon graduation from the Air Force Academy, General Moore served with the Drone and Remotely Piloted Vehicles System Program Office, Aeronautical Systems Division, at Wright Patterson Air Force Base, Ohio. In his next assignment, General Moore served in the Office of the Deputy Chief of Staff for Development Plans, Headquarters Air Force Systems Command, Andrews Air Force Base, Maryland. In 1976, General Moore was selected to attend and received a Master's Degree in Business Administration from the Air Force Institute of Technology, Wharton School of Finance and Commerce, University of Pennsylvania, in Philadelphia.

General Moore's next assignments were as Executive Office and Project Officer with the Peacekeeper ICBM Engineering Directorate, Ballistic Missile

Office at Norton Air Force Base, California, and as Director of Program Control, Joint System Program Office for the Advanced Medium Range Air-to-Air Missile, at Eglin Air Force Base, Florida. In 1985 General Moore was selected for the prestigious Air War College at Maxwell Air Force Base, Alabama. Following completion of the Air War College, General Moore was the Director of Cost, Office of the Deputy Chief of Staff for Comptroller, Headquarters Air Force Systems Command, Andrews Air Force Base, Maryland, and then the Small ICBM Deputy Program Director at Norton Air Force Base.

In 1989 General Moore attended the Program Manager's Course at the Defense Systems Management College, Fort Belvoir, Virginia. General Moore then returned to the Small ICBM Program as the Program Director. He then served as the Deputy Director of Strategic, Special Operation Forces and Airlift Programs, Office of the Assistant Secretary of the Air Force for Acquisition, the Pentagon, Washington, D.C. In 1992, General Moore was assigned as the Vice Commander of the San Antonio Air Logistics Center. In 1993 General Moore was promoted to Brigadier General.

In 1994, General Moore served as the Program Executive Officer for Bombers, Missiles and Trainers, Office of the Assistant Secretary of the Air Force for Acquisition, the Pentagon, Washington, D.C. In 1995, General Moore became the Director of Special Programs in the Office of the Secretary of Defense. In this capacity, he was responsible for coordinating the planning, budgeting, and management of extremely sensitive Department of Defense special access classified programs. In 1997, General Moore received his second star, in 1998, was assigned as the Deputy Director for the newly formed Defense Threat Reduction Agency (DTRA). As the Deputy Director of DTRA, General Moore held and excelled in one of the most complex and challenging assignments in the Department of Defense—the creation of DTRA. DTRA was created, in the words of the Secretary of Defense: ''to fill a major void in the defense of the nation against weapons of mass destruction''. Established by a Defense Reform Initiative in November 1997, General Moore led the successful accomplishment of a vital and monumental strategic task—consolidation into one organization the bulk of DoD's arms control, cooperative threat reduction, and technology security regimes, as well as weapons of mass destruction (WMD) related research development test and evaluation (RDT&E) programs. DTRA also coordinates and prioritizes Chemical/Biological programs for the Joint Staff, and provides an integrated national architecture for response to WMD threats to civil and military populations; and is a full partner with the Departments of Energy, Justice and State to provide national deterrence for WMD.

General Moore is a fully certified acquisition professional whose awards include two Defense Distinguished Service Medals, the legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Air Force Commendation Medal with two oak leaf clusters, the National Defense Service Medal with service star, the Armed Forces Expeditionary Medal, and the Vietnam Service Medal.

During his long and distinguished career, General Moore served the nation with excellence and distinction. He is a visionary leader, and a true warrior who has had a profound impact on the United States Air Force, and made significant contributions to the strategic defense of the United States and its allies.

General Moore will retire from the Air Force on May 1, 2000, after more than thirty years of exceptionally distinguished service. On behalf of my colleagues on both sides of the aisle, I would like to recognize General Moore's accomplishments and his service. Congratulations on the completion of a long and distinguished career.

COUNTERINTELLIGENCE REFORM ACT OF 2000

Mr. SHELBY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated March 10, 2000, to Senators LOTT and DASCHLE from myself and Senator BRYAN regarding S. 2089, the Counterintelligence Reform Act of 2000.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 10, 2000.

Hon. TRENT LOTT,
Majority Leader,
Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

SENATORS LOTT AND DASCHLE: It is our understanding that S. 2089, the Counterintelligence Reform Act of 2000, contains provisions affecting intelligence activities and programs. As you know, these are issues of significant interest to, and clearly within the jurisdiction of, the Select Committee on Intelligence. Therefore, pursuant to Section 3(b) of Senate Resolution 400 of the 94th Congress, we hereby request that S. 2089 be referred to our Committee for consideration.

Sincerely,

RICHARD C. SHELBY,
Chairman.
RICHARD H. BRYAN,
Vice Chairman.

H.R. 1000, FAA REAUTHORIZATION

Mr. HATCH. Mr. President, last week the Senate acted resoundingly and passed the critically needed conference report for funding the Federal Aviation Administration (FAA). I commend the efforts of our majority leader, Senator LOTT, the Appropriations Committee chairman, Senator STEVENS, and Budget Committee chairman, Senator DOMENICI. My colleagues here and over in the House have worked hard to arrive at this consensus. Both as a Senator and frequent flyer, I appreciate their efforts.

At this time, I would like to reiterate several points I made during last year's debate in the Senate having to do with allowing exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I believe that the conference report balances the interests of states inside the perimeter with those of us from Western States who lack convenient access to Reagan National.

I know my colleagues are aware of my support for efforts to ensure that these limited exemptions must benefit citizens throughout the West. I believe we must make it clear that these limited number of exemptions should not be awarded solely or disproportionately to one carrier. I fully anticipate that the Department of Transportation will ensure that the maximum number of cities benefit from these slots.

While I would have preferred to eliminate the perimeter rule altogether, which I believe would have substantially improved access to the West, I am hopeful that DOT will ensure that small and midsized communities in West, especially in the Northern tier, have improved access through hubs like Salt Lake City.

I believe an important component of aviation reform is to improve air service for communities that have not experienced the benefits of deregulation to the extent large markets have. Today, Utahns must double or even triple connect to fly into Reagan National. I look forward to working with my colleagues and the DOT to ensure that citizens in the west have improved access and a variety of options when they travel.

LEVEL III DIRECT ACCESS

Mr. SARBANES. Mr. President, I would like to clarify an important issue contained in the conference agreement on S. 376, the satellite reform bill, with respect to ''Level III direct access.''

The conference agreement provides authority for so-called ''Level III direct access''—which is the ability of customers other than INTELSAT signatories to enter into agreements with INTELSAT for ordering, receiving and paying for space segment capacity—but it says nothing about the signatory fee that COMSAT is entitled to receive from direct access users as determined by the FCC's direct access order made effective December 6, 1999. I understand it is the intent of the conferees to preserve this signatory fee to compensate COMSAT for the costs it incurs as the U.S. signatory to INTELSAT during its brief transition to a procompetitive privatization.

Nothing in the conference agreement is intended to vacate the FCC's ''Level III direct access'' order made effective December 6, 1999, including its assessment of a signatory fee to be charged

to direct access users to offset COMSAT's signatory costs. I would also add that Congress is addressing direct access to INTELSAT before it privatizes. After privatization, when INTELSAT become a commercial company like any other, it can make whatever business decisions it wants with respect to marketing or distribution arrangements—again, just as other companies do. Once privatized, the government should not be interfering, let alone dictating, these arrangements one way or another.

EDUCATING OUR CHILDREN

Mrs. LINCOLN. Mr. President, I rise today to talk about an issue of paramount importance to this nation, how we educate our children.

We in the Senate have the difficult task before us of passing legislation that re-authorizes the Elementary and Secondary Education Act which determines how the Federal Government allocates money to our public schools.

Unfortunately, all signs from the Committee point to yet another political stalemate and neither side appears to be pushing any closer toward common ground.

In hopes of breaking this unproductive dynamic, I have joined with a group of my moderate Democratic colleagues here in the Senate to promote a ''Third Way'' on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

We are calling this bill the ''Three R's'' and it is a bold effort at streamlining numerous Federal education programs and refocusing federal resources on raising academic achievement. This blueprint will give more funding and flexibility to local school districts, in exchange for greater accountability.

Mr. President, today I would like to specifically talk about the component of the bill that focuses on teacher quality. We call our bill the ''Three R's'' and a similar acronym can apply to our efforts to improve teacher quality. Our plan can best be summed up by ''Four R's'': recruiting, retention, resources, and above all . . . RESPECT.

The difficulty schools experience today in recruiting and retaining quality teachers is one of the most enormous obstacles facing our education system. We cannot expect students to be successful if they don't work with quality teachers; and we can't expect quality teachers to stay in the profession if they don't get adequate training, resources or respect.

Most experts agree that teacher quality is as important as any other factor in raising student achievement. The legislation we are introducing today would consolidate several teacher training initiatives into a single formula grant program for improving the quality of public school teachers, principals and administrators.

This proposal would increase professional development funding by 100 percent to $1.6 billion annually and target that funding to the neediest school districts. In my home State of Arkansas, this will mean an additional $12 million for teacher quality initiatives.

In addition, the ''Three R's'' would give States and school districts more flexibility to design effective teacher recruitment and professional development initiatives to meet their specific needs.

One overreaching goal we propose today is to require that all teachers be fully-qualified by 2005. Even the best teachers can't teach what they don't know or haven't learned themselves. To be successful, we must work harder to reduce out-of-field teaching and require educators to demonstrate knowledge and understanding of the subjects they teach.

I have the highest respect for the teachers, principals, and superintendents who dedicate their talent and skills everyday to prepare our children for tomorrow. I think they have some of the hardest, and most important, jobs in the world. Our Nation's future, in large part, depends on the work that they do. Our teacher quality proposal is an example of how combining the concepts of increased funding, targeting, flexibility and accountability, we can join with state and local educators to give our children a high-quality education every child deserves.

I hope this plan will serve as a blueprint to improving public education as we enter into what is sure to be a lengthy and contentious ESEA debate.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, last week, the Friends of Ireland in Congress released its annual St. Patrick's Day Statement. The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to a United States policy that promotes a just, lasting and peaceful settlement of the conflict, which has taken more than 3,100 lives over the past 30 years.

I believe this year's Friends of Ireland Statement will be of interest to all of our colleagues who are concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE FRIENDS OF IRELAND, SAINT PATRICK'S DAY 2000

On this first St. Patrick's Day of the new millennium, the Friends of Ireland in the United States Congress join 45 million Irish-Americans of both traditions in celebrating the unique bonds between our two nations. We send greetings to the President of Ireland, Mary McAleese and warmly welcome the Taoiseach, Bertie Ahern, on his third St. Patrick's Day visit to Washington. We share the hopes of the Irish people that the current impasse in the Northern Ireland peace process will be broken soon.

We are deeply troubled by the suspension of the democratically elected Government of Northern Ireland by the British Government and the stalemate over decommissioning. We urge all political leaders in the North to recommit themselves to the spirit and letter of the Good Friday Agreement. We have provided strong and consistent support throughout the peace process to all parties committed to peace, and we reaffirm our commitment to the full implementation of the Agreement.

The Good Friday Agreement was endorsed decisively by the people of Ireland both North and South with majorities from both traditions. It is a mandate given to those working on behalf of peace, justice and the creation of a new beginning in Northern Ireland. Successful implementation is predicated on the concurrent resolution of all the interdependent aspects of the Agreement. The successful implementation of the agreement must be the clear goal for all who want to consolidate the progress that has been made and to avoid the danger of failure for yet another generation in Northern Ireland.

At this time, the institutions of devolved government are suspended. The suspension was not caused by any failure of the institutions themselves, nor by any violation of the Agreement, but by an internal political crisis focused on the issue of decommissioning. We encourage the political leaders to bridge this crisis of confidence and secure the reinstatement of the institutions as soon as possible. Their absence creates a gap which the enemies of peace can and will exploit. It is vital that they are not permitted to succeed. The ongoing cease-fires are major confidence building measures, and it should be made clear that any return to violence is not an option. We condemn unequivocally all acts of violence.

We call on all sides to implement additional confidence building measures. Root causes of violence—prejudice, religious intolerance and sectarianism—must also be eliminated. The nationalist and unionist communities must see that politics is working and believe their future can rest with the actions of their democratically elected representatives in the Assembly.

The issue of confidence in the integrity of the democratic institutions set up under the Good Friday Agreement must not be seen as confined to the agenda of any one side. It is a shared requirement which all have a vital stake in restoring. Each party is committed under the Agreement to ensure the viability and effective operation of the political process pledged in the Agreement by persuading those who hold weapons that such weapons can have no role whatsoever in a democratic system.

In spite of discouraging setbacks, we believe that a way forward can be found on this difficult issue by building on the progress already made. We welcome the acknowledgment by the IRA that ''the issue of arms needs to be dealt with in an acceptable way and this is a necessary objective of a genuine peace process.'' We also welcome the work in identifying and advancing the context where this goal can most successfully be achieved. We consider a crucial test to be whether the electorate in Northern Ireland can be reassured that their democratic wishes will not be undermined by actual or threatened recourse to guns from any side.

We believe there is now an acceptance of this fundamental principle across the entire political spectrum which offers a basis for reaching an accommodation, provided the parties approach it in a spirit of reciprocal action, and with sensitivity about the real constraints on each side and the need for skillful and patient management of these constraints. We urge renewed dialogue in

this spirit using the Independent Commission headed by General de Chastelain. The paramilitaries must put weapons beyond use and make progress on the decommissioning issue.

The British Government must reasonably scale down its military presence in the North. We also give particular importance to the timely implementation of the Patten Report, including the urgent appointment of an Oversight Commissioner and assistants, the early publication of a detailed implementation plan, and the speedy passage of legislation. We believe the publication of the Criminal Justice Review should begin a program of significant reforms. We support changes that ensure a police force with representation from both communities and a criminal justice system which will command loyalty from all people living in Northern Ireland. These are the essential ingredients necessary in the creation of a just and peaceful society.

We also note the importance of moving forward on human rights and equality issues under the Agreement. This includes the creation of a Bill of Rights for Northern Ireland and the obligation to promote equal opportunity. We emphasize the continuing need to demonstrate public commitment to human rights and accountability through the establishment of independent inquiries into the Finucane, Nelson and Hamill cases.

We support the initiative taken by the Irish and British Prime Ministers at the beginning of this month to launch a round of intensive consultations to restore the institutions of the Good Friday Agreement and deal with the arms issues as quickly as possible.

Over this St. Patrick's Day period, we will be urging all the leaders from Northern Ireland to recognize the importance of what is at stake, the danger of delay, and the need for a genuine and sincere collective effort to overcome these last remaining obstacles to the full implementation of the Good Friday Agreement. All Friends of Ireland in the United States stand ready to help in any possible way.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

House

Dennis J. Hastert
Richard A. Gephardt
James T. Walsh

Senate

Edward M. Kennedy
Daniel Patrick Moynihan
Christopher J. Dodd
Connie Mack

CBO COST ESTIMATE—H.R. 150

Mr. MURKOWSKI. Madam President, at the time Senate Report No. 150 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 15, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 150, the National Forest Education and Community Purpose Lands Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MARCH 15, 2000

H.R. 150.—NATIONAL FOREST EDUCATION AND COMMUNITY PURPOSE LANDS ACT

(As reported by the Senate Committee on Energy and Natural Resources on March 9, 2000)

CBO estimates that enacting H.R. 150 would have no significant impact on the federal budget. Because the legislation would affect offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply; however, CBO estimates that any such effects would total less than $500,000 each year. H.R. 150 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. H.R. 150 would benefit some local governments by giving them the opportunity to acquire National Forest land for public schools at a nominal cost.

H.R. 150 would authorize the U.S. Department of Agriculture (USDA) to lease or convey land in the National Forest System (NFS) to state and local governments for educational, recreational, and other public purpose uses. State and local governments would pay USDA a nominal amount for use of the land, with the federal government retaining any mineral rights. Under the legislation, USDA could transfer only parcels of land where the value to the state or local government of the proposed use exceeds that of continued federal ownership. If used for any unauthorized purpose, the land would revert to the federal government. The legislation generally would require USDA to notify an applicant within 120 days of receiving an application as to whether the land will be leased or conveyed, or provide a written explanation as to why such a determination has not been made.

CBO estimates that enacting H.R. 150 could result in forgone offsetting receipts if USDA would have sold one or more of the leased or transferred parcels at fair market value under current law. CBO estimates that any such loss of receipts from land sales would total less than $500,000 each year. Even through we expect state and local governments would desire the opportunity to lease or acquire valuable NFS land at substantially discounted rates, such land is rarely sold under current law. As a result, we estimate that enacting the bill would not result in any significant loss of federal receipts. Additionally, CBO estimates that any increase in receipts from leasing or transferring NFS land under H.R. 150 would also total less than $500,000 a year.

On May 5, 1999, CBO prepared a cost estimate for H.R. 150, a bill to authorize the Secretary of Agriculture to convey Natural Forest System lands for educational purposes, and for other purposes, as ordered reported by the House Committee on Resources on April 28, 1999. These two versions of the legislation are similar and the estimated costs are the same.

The CBO staff contact is John R. Righter, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

DCA PERIMETER RULE

Mr. BAUCUS. Mr. President, I rise today to speak about the DCA Perimeter Rule and its impact on the West. This is very important to me because it affects western States, like Montana.

I support the recent conference provisions that allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. The Conferees should be commended for working to create a process that balances interests of Senators from states inside the perimeter and those of us who are from western states that do not have convenient access to National Airport.

Right now passengers from small and medium-sized communities in the West are forced to make double and sometime even triple connections to fly to National Airport, or any other Washington airport. Let me talk for a minute about my home state of Montana. It takes an entire day to get from Washington to Montana or visa versa. In order to fly into Montana you need to fly in to Salt Lake, or Denver, or one of the other western hubs and wait for one of the two or three 60 passenger flights that flies into Montana that day.

This is true for small communities throughout the West, especially in the Northwest corner that use hubs like Salt Lake City.

The conference report has the potential to improve access throughout the West. I believe it is important that the Department of Transportation ensure that this benefit is not limited to a few large cities which already have a variety of options for flying to Washington.

By enforcing this rule we are making access to DC easier for western states. The nation's Capital should be accessible without hassle to the entire country. I do not like the fact that if someone from my home state of Montana wants to come here to talk to their nations representative that they need to spend an entire day traveling, and waiting in airports for a connection.

My support for this effort dates back to when this legislation was first introduced. I want to ensure that these limited exemptions benefit the people of the West. I want to make it very clear that the limited number of exemptions should not be awarded to any one airport or airline. I hope, and expect that the Department of Transportation will ensure that the 12 slots granted by the conference are distributed proportionally, so that as many cities in the West, and especially the Northwest can benefit.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 20, 2000, the Federal debt stood at $5,728,253,942,273.38 (Five trillion, seven hundred twenty-eight billion, two hundred fifty-three million, nine hundred forty-two thousand, two hundred seventy-three dollars and thirty-eight cents).

Five years ago, March 20, 1995, the Federal debt stood at $4,842,720,000,000 (Four trillion, eight hundred forty-two billion, seven hundred twenty million).

Ten years ago, March 20, 1990, the Federal debt stood at $3,020,566,000,000 (Three trillion, twenty billion, five hundred sixty-six million).

Fifteen years ago, March 20, 1985, the Federal debt stood at $1,707,839,000,000 (One trillion, seven hundred seven billion, eight hundred thirty-nine million).

Twenty-five years ago, March 20, 1975, the Federal debt stood at $505,392,000,000 (Five hundred five billion, three hundred ninety-two million) which reflects a debt increase of more than $5 trillion—$5,222,861,942,273.38 (Five trillion, two hundred twenty-two billion, eight hundred sixty-one million, nine hundred forty-two thousand, two hundred seventy-three dollars and thirty-eight cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNIZING THE 44TH ANNIVERSARY OF TUNISIAN INDENPENDENCE

● Mr. ABRAHAM. Mr. President, I rise today in celebration of the 44th anniversary of Tunisian independence. On March 20, Tunisia—one of America's oldest allies—will mark its 44th year of independence, but our two nations have been sharing the ideals of freedom and democracy for a much longer time.

In 1797, our two nations signed a treaty calling for ''perpetual and constant peace.'' Indeed, for the past 200 years, our two nations have enjoyed such a friendship. Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, or supporting Western interests during the cold war, the United States could count on Tunisia. More recently, Tunisia displayed great courage in urging other Arab nations to seek an accord with Israel. Tunisia has built on that pioneering stand by playing an important role as an honest and fair broker at delicate points in the Middle East peace process.

By adopting progressive social policies that feature tolerance for minorities, equal rights for women, universal education, a modern health system, and avoiding the pitfall of religious extremism that has tormented so many other developing countries. Tunisia has built a stable, middle-class society. In stark contrast to its two neighbors, Tunisia has been a quiet and wonderful success. In fact, Tunisia became the first nation south of the Mediterranean to formally associate itself with the European Union.

Tunisia has been a model for developing countries. It has sustained remarkable economic growth, and undertaken reforms toward political pluralism. It has been a steadfast ally of the United States and has consistently fought for democratic goals and ideals. Tunisia has responded to President Dwight D. Eisenhower's request to consider the United States as ''friends and partner'' in the most effective way—by its actions.

In commemoration of 44 years of independence for Tunisia, I urge my colleagues to reflect on our strong commitment to Tunisian people, who are still our friends and partners in North Africa.●

TRIBUTE TO MICHAEL S. MCGILL

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to my longtime friend and Chief of Staff, Michael S. McGill. I have known Mike for nearly two decades and have had the privilege of working with him when I was Mayor of San Francisco and during my tenure in the U.S. Senate. I have a great respect and appreciation for Mike, who has devoted his life to public service and served the state of California with excellence and honor.

Mike earned a B.S. in business administration at the University of Kansas, and is still an avid Jayhawks fan. He earned his Master's in political science at the University of Texas, which prepared him for a long and distinguished career in public service. In 1967, Mike joined the U.S. Department of State as a Foreign Service Officer and was assigned to the Model Cities Program in Fort Worth, Texas. There he committed his time and energy to issues affecting urban communities.

After moving to San Francisco in 1972, Mike developed a passion for water policy, the issue area in which he has provided me with indispensable knowledge and advice. He served for three years as executive director of the Bay Area Economic Forum, and for seven years as executive director of the San Francisco Planning and Urban Research Association (SPUR). As head of SPUR, he faced competing agricultural, urban, and environmental interests, but he was able to mediate these differences to the benefit of California.

Since 1993, Mike has served as my Chief of Staff. He has done an outstanding job. He has managed my five Senate offices, which serve more than 32 million constituents. This in itself is a tremendous undertaking, and I am proud to say that Mike has succeeded in ensuring that the people of California are served with care, compassion, and efficiency.

As the cornerstone of my staff for the past seven years, Mike's dedication and integrity have earned him the respect of everyone he has worked with and advised. His door is always open, because no issue is too big or too small for Mike's attention and guidance.

In particular, Mike's advice in approaching and solving the water issues that impact California has been invaluable. In my state, water is our lifeblood, and this has made it a contentious issue. I have been thankful to have Mike's experience and insight on an issue that is by no means an easy one.

In my office, we can count on Mike and his wealth of knowledge that ranges from politics to baseball to American history. He and his wife Mary enjoy traveling throughout the country, visiting presidential homes and Civil War battlefields. He is also a dedicated father to two wonderful daughters, Deidre and Erin, who are proud of his accomplishments.

Mike will be leaving my office to return to one of his passions, urban planning, this time at the General Services Administration. There he will work in the Public Buildings Service, managing and preserving historic buildings and landmarks. I have no doubt that Mike will be an asset to the GSA, just as he has been to my office.

It is with sadness, but also great pride, that we bid farewell to Mike McGill. He has been a true friend and a valued advisor throughout the years. Mike is one of California's treasures, and he will be sorely missed.●

RECOGNITION OF MIKE BUCK, ENUMCLAW HIGH SCHOOL TEACHER

● Mr. GORTON. Mr. President, two weekends ago I had the pleasure of joining a unique group of volunteers and high school students in Enumclaw, WA, in the first steps toward restoring a forested wetland on Newaukum Creek.

This project is sponsored by the city of Enumclaw and the Mid-Puget Sound Fisheries Enhancement Group (MPSFEG). MPSFEG and the city of Enumclaw have entered into an agreement for the group to remove nonnative vegetation and plan various native wetland species. The group will monitor the project for 3 years to ensure success of the project.

MPSFEG's Troy Fields and Fiona McNair were kind enough to explain the challenges facing Newaukum creek salmon, and how restoring such wetlands will increase water quality and habitat, and therefore increase the chances of young fish surviving.

MPSFEG is joined in this effort by a group of enterprising students from Enumclaw High school, led by their teacher Mike Buck. Mr. Buck has used many different sites in the watershed including this one as an outdoor laboratory for his science classes. Projects have included water quality and stream insect monitoring and restoration.

Mike's approach to teaching is unique, and one that I am wholly impressed with. He has taken it upon himself to involve these young people in science-based restoration projects where they can best witness the results of their efforts—in their own backyard.

It is for this reason that I was proud to award Mike Buck with an Innovation in Education award for excellence and creativity in hands-on science learning. This project is yet another example of why decisions affecting our children's education should be made locally, not in Washington DC. No federal bureaucrat could understand the

difficult prospects Newaukum Creek salmon face in their return home to spawn. And no federal bureaucrat could successfully turn that challenge into an educational opportunity that also works for returning salmon as Mike Buck has.

Therefore, I propose to my colleagues here in the Senate that this successful venture is further proof that local educators will be able to make the best decisions about the unique needs of their students.●

THE HONORABLE JOHN J. CALLAHAN AWARDED THE GAUDETE MEDAL FROM SAINT BONAVENTURE UNIVERSITY

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Justice John J. Callahan, New York's longest serving Judge on the Supreme Court Appellate Division, Fourth Department. For 21 years he epitomized the honor and dignity to which all of us engaged in the political life of our nation should aspire.

What an exemplary alumni Saint Bonaventure University has chosen on which to bestow this prestigious tribute. The Gaudete Medal is awarded to leaders who have exemplified the philosophy of St. Francis of Assisi in their professional and personal lives. This spirit has been evident in Justice Callahan's dedication to his court, community, family, and his inspiring courage in spite of personal suffering.

To begin, one must know that Jack is a fellow Irish-American and the great and indispensable achievement of the Irish is that they made it American to be ethnic. He has contributed significantly to the Irish-American community in Buffalo. 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.

St. Bonaventure University has seen fit to honor a gentleman and a patriot. I knew of Jack's dedication to the Navy or should I say the Silent Service from working with him on numerous projects for the City of Buffalo, his cherished home. As a result of his tireless efforts all were successes.

It was back in 1978, at Jack's request, that I wrote to W. Graham Clayton who was the Secretary of the Navy at the time, to urge the Navy to name a submarine in honor of the Queen City of the Lakes. A nuclear powered attack submarine, the SSN 715 was christened the *Buffalo* in 1983 with the Judge, his wife Lillian, and their son Thomas, then a Midshipman at Annapolis, looking on. There hadn't been a ship named for Buffalo since 1922.

As a submarine veteran of World War II, the Judge felt that it was imperative that a decommissioned World War II type submarine be an integral part of the Buffalo & Erie County Naval & Servicemen's Park. A park that he himself helped make a reality. The USS *Croaker* is docked on the Buffalo River at the foot of Main Street in no small part to Judge Callahan's efforts. Some 20 of Jack's shipmates from the USS *Sterlet* SS 392 joined together to reminisce about their combat days in the Pacific theater aboard the USS *Croaker* 1996. As one who served in the Pacific theater, I can attest to the existence of a special camaraderie that unites those at sea for months at a time.

After returning from the war, Jack continued his education with the help of the G.I. Bill, as did I. Jack earned his undergraduate degree in Business Administration from St. Bonaventure University in 1951 and a Judicial Doctorate from the University of Buffalo Law School in 1954. Jack was honored by his alma mater, the University of Buffalo, with the Distinguished Alumni Award for the Judiciary in 1989.

The son of Irish immigrants from County Kerry, Judge Callahan possesses an exemplary work ethic and ability to endure any trial. Jack and Lillian Hart Callahan will be married for 40 years this July and from their union has come eight children and soon to be nine grandchildren. They have been truly blessed.

Thomas and Mary Bridget Callahan, Jack's parents, saw that their six children received a Catholic education through the Great Depression. Jack and Lillian made the opportunity for Catholic education available to their children and were sure to stress the value of such a privilege. Those efforts were not in vain. Their sons John Joseph Jr. and Patrick Francis are physicians. Appropriately, Patrick Francis, named in honor of St. Francis of Assisi, graduated from Saint Bonaventure University. Thomas, Timothy, and Michael all graduated from the United States Naval Academy. Not to be outdone—their three daughters; Mary Catherine Malley is a corporate attorney with Hodgson Russ Andrews Woods & Goodyear in Buffalo, Maureen Gallagher is a dentist, and Kathleen is my Deputy Press Secretary. I should thank Jack and Lillian for loaning her to me.

His legal background is both extensive and impressive. Judge Callahan practiced law as a trial lawyer in Buffalo for 20 years and served as a confidential clerk to New York State Supreme Court Justice Ann Mikol. He was elected to the New York State Supreme Court in 1975 and appointed to the Appellate Division by my good friend Governor Hugh Carey in 1979.

In his exceptional judicial career he has sat on approximately 20,000 cases. This past fall the Judge was honored by the Catholic Lawyers Guild as the recipient of the St. Thomas More Award which was given for his outstanding service to the legal community and the community at large.

It is with great pleasure that I join his family and many friends from Saint Bonaventure University and Buffalo to applaud this truly remarkable man.●

TRIBUTE TO MAUREEN NEUBERGER

● Mr. SMITH of Oregon. Mr. President, each of us who are privileged to serve in this chamber are well aware of the history of the Senate and the contributions of those who came before us. I am mindful every day that I serve in the seat held for thirty years by Mark Hatfield.

Another who held this seat with distinction from 1960–1967 was Maureen Neuberger, who was the first woman ever to represent Oregon in the United States Senate, and the third woman in history to serve here. Mrs. Neuberger passed away last week at the age of 94, and I rise today to pay tribute to this remarkable Oregonian.

Oregon is a state known for its pioneers and trailblazers, and Maureen Neuberger was no exception. She began her political career in 1950 at a time when women in public office were very much a novelty. Upon her election to the Oregon State House of Representatives, she became one half of a truly historic couple. Her husband, Dick Neuberger, was serving in the Oregon State Senate, and they became the first couple in United States history to serve together in a state legislature.

Maureen continued to serve in the legislature even after her husband was elected to the United States Senate in 1954. Upon his death in 1960, Maureen was elected to the United States Senate in her own right.

During her years in this chamber, Senator Neuberger earned a reputation as an advocate for consumer rights. She sponsored legislation creating warning labels on cigarette packages, challenged the meat-packing industry for artificially adding water to hams, and exposed bedding manufacturers who sold flammable blankets.

She chose to retire from the Senate after serving one term, but remained active through service on presidential commissions and teaching at universities. Throughout her life, she also served as a mentor and role model to Oregon women from both political parties who entered the public service arena.

As my State's largest newspaper, The Oregonian, editorialized about Senator Neuberger:

> Only 27 women have served in the Senate in U.S. history. She was third. The ones who served after (her)—including the nine who serve today—might not have been there at all if Maureen Neuberger had not helped pave the way.

I was privileged to meet Senator Neuberger during my service in the Oregon State Senate. I recall her as a gracious and straight talking person who never lost her interest in the issues of the day. Both Oregon and America are better for her life and service.●

INGVALD BERNARD JACOBSEN'S 90TH BIRTHDAY

● Mr. ASHCROFT. Mr. President, I rise today to give honor to Ingvald Bernard

Jacobsen, Uncle Barney, who will be celebrating his 90th birthday on March 25th. He is the first born of Gina Brathen Fyhrie Jacobsen and Peder Jacobsen.

Although Mr. Jacobsen was born in Racine, Wisconsin, due to the death of his grandmother, he and his family moved to Norway. While a young boy in Norway, Ingvald learned the value system he has maintained for the past 90 years through a strong belief in the Bible by which his mother and grandfather lived. He became a Christian at his mother's knee before starting school and has been a walking example of what it is to be Christian all his life: never the preacher, always the doer of kind deeds for others, expecting nothing in return for those kind acts.

Mr. Jacobsen's early years were lean on material things and long on the hard work of a farm and a life on the seas helping to earn the family living. He attended school three days a week and completed his education by age 14. He was confirmed in the small Lutheran church on a Norwegian island, and still uses the New Testament he was presented with that day in 1924.

After returning to the United States in 1928, Mr. Jacobsen's first job was landscaping the new golf course in Forest Hills, New Jersey, where he worked with his father. When that job was completed, he moved to Chicago. Thereafter, he had many jobs that led to a position at Northwestern University lasting 25 years.

In 1935, Mr. Jacobsen joined a fraternal order called Sons of Norway, a group of Norwegian immigrants that got together for fellowship. This fellowship grew by leaps and bounds all around the world and has become a vehicle for keeping the old traditions of Norway alive, as well as the language. He has held every office possible in his local lodge and district and served as an international director for eight years, a great honor for him. Because of his faithfulness and hard work throughout the Norwegian community in the Midwest, King Olav V awarded him the King Olav medal in 1973.

Throughout his years in the Chicago area, Mr. Jacobsen gave of himself above and beyond the call of duty. At Trinity Lutheran Church, he sang in the choir, greeted people at the door with a warm welcome, and was in charge of the coffee hour and Easter breakfast for years. He picked up countless children for Sunday School and led the Boy Scout troop in the church. Every year near Christmas time, he saw to it that the residents of the Norwegian home for the elderly in Chicago had a traditional cod-fish dinner. He chose the fish, picked it up, peeled the potatoes, and than poached the fish and saw that it was served to every person. His reward came in the form of tins of fresh, Norwegian homemade cookies baked by the ladies auxiliaries of these homes.

Mr. Jacobsen was asked to serve on the Tall Ship committee when in 1976 the Norwegian Tall Ship *Christian Radich* came to Chicago to celebrate the 200-year anniversary of our country's birth. He was also a member of the select few who greeted King Olav V in Chicago in 1975, when the 150th anniversary of a sailing vessel finally made it to Chicago from Norway. He was honored by traveling the city with King Olav V, spending many days and hours in his company including a large dinner attended by dignitaries from around the world.

After the death of his wife, Bernie Lars, Mr. Jacobsen sold his home and built a beautiful addition to his daughter's home. Since 1997, following a successful battle with cancer, he has resided with his granddaughter, Solveig, in Illinois part of the year and with his oldest daughter, Carolyn, and her husband in the mountains of North Carolina during the remainder of the year.

Mr. Jacobsen will be celebrating his 90th birthday with countless friends and relatives, including five who will come from Norway. Grateful people filled with joy and happy memories of this gentle giant—he still stands tall at 6 feet 3 inches—will gather to honor and thank him. I join those many friends and relatives in wishing him a joyous and rich celebration.●

RECOGNITION OF IRISH-AMERICAN HERITAGE MONTH

● Mr. GRAMS. Mr. President, I rise today in recognition of Irish-American Heritage Month and take this occasion to salute the generations of Irish descendants who have helped my home state of Minnesota grow and prosper.

When millions of Irish men, women, and children fled their homeland and the great potato famine that gripped Ireland beginning in the 1840s, they looked to America as a place of abundant food, freedom, and opportunity.

Most came here with little, yet the riches they have given back to this country and our state cannot be measured.

At the urging of Archbishop John Ireland, early leader of the Minnesota Catholic Church, many of those first immigrants became employees of the Great Northern Railroad and settled in Minnesota, along the railroad lines heading toward Montana. Since then, our Irish-American population has flourished; surveyed for the 1990 census, 574,183 Minnesotans claimed at least some Irish ancestry.

During Irish-American Heritage Month, and on the occasion of Saint Patrick's Day, I salute Minnesota's ''sons and daughters of Ireland'' and offer to our large and enthusiastic Irish community the heartfelt words of the familiar Irish blessing:

May the road rise up to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
And the rains fall soft upon your fields,
And until we meet again, may God hold you in the palm of His hand.●

JOHN J. LESSNER'S 100TH BIRTHDAY

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. John J. Lessner, resident of Lapeer, MI, who on March 10th of this year celebrated his 100th birthday. It is my pleasure to honor him not only for having reached this landmark birthday, which is quite an accomplishment in itself, but also, and I think more importantly, for having lived his life in a manner truly worthy of commendation.

One of Mr. Lessner's favorite sayings is ''Work-a-Million,'' and he has certainly lived by this virtue. For thirty-nine years he worked as a high-school teacher and coach, for thirty-seven years a football and basketball official, he sold world-book encyclopedias for twenty-four years, worked at the H.C. Frick Coal Mine and Monogahela Railroad for fifteen summers, spent nine years working towards his M.A. in Education, which he received from West Virginia University in 1953, spent six years constructing a home for his family and himself, spent three years playing fullback for the Brownsville (PA) Independence Football Team, and all this after he began his adult life by serving his country for a year in the U.S. Army.

On top of all this, Mr. Lessner, somehow found the time to be not only an active community member, but a community leader. He helped organize and develop two Parent Teacher Associations, in Greene County, PA, and Washington County, PA. He served as the first, twelfth and twenty-fifth president of the Greensboro Lions Club in Greensboro, PA. During World War II, he served as the Air Raid Warden for Brownsville, PA. And every Sunday, for eighteen years, he volunteered his time as a Sunday School Superintendent at Christian Church in Brownsville, PA, and then later at Mapletown Methodist Church in Mapleton, PA.

Most important to Mr. Lessner, though, has always been his family. He now resides in Lapeer, MI, with his son Jack, the eldest of his two children. He moved to Lapeer from Monroeville, PA, where he lived near his daughter, Maryjane. And undoubtedly one of his greatest days came on December 27, 1979, when he and his wife, Doris Steeves, celebrated their fiftieth wedding anniversary.

This may be selfish on my part, but as I read the biography of Mr. Lessner, my only wish was that he had spent more of his one-hundred years in Michigan. His is a brand of remarkable that, unfortunately, you do not run into everyday. Regardless, John J. Lessner is a true role model, and we are glad to have him now. So, on behalf not only of myself but also of all my Michigan constituents, I would like to wish Mr. Lessner a happy 100th birthday, and I hope that there are many more to celebrate in the future.●

TRIBUTE TO J.W. ''BUD'' FORRESTER

● Mr. SMITH of Oregon. Mr. President, ''To live fully,'' said Oliver Wendell Homes, ''is to be engaged in the passions of one's time.''

Those words came to mind with the recent passing of the remarkable Oregon journalist, J.W. ''Bud'' Forrester. Mr. Forrester's family and friends can take solace in the fact that here was a man who truly lived a full life, for here was a man who dedicated himself to the passions of our time.

As a journalist, Bud Forrester earned a reputation as one of the best newspaper editors in my state. Whether at the helm of the Daily Astorian, or my home town newspaper, the East Oregonian, Bud Forrester called them like he saw them, and could always be counted on to stand up for what he believed was right for his community and his state.

That same commitment and common sense were also provided to countless boards and commissions, on which Bud Forrester served throughout his life. President of the Columbia River Maritime Museum, member of the State Board of Higher Education, member of the Oregon Land Conservation and Development Commission, unofficial advisor to Senators and Governors, community fund raiser and philanthropist extraordinaire—the list of Bud Forrester's contributions go on and on.

I consider myself very privileged to have known Bud Forrester, and know that his legacy of being engaged on the passions of our time will continue in the hands of his son, Steve, who serves as Editor and Publisher of the Daily Astorian.

The bottom line is that Oregon is a better place because of Bud Forrester. I join with countless others in my state in extending my sympathies to the Forrester family, and in paying tribute to a true original who indeed lived life fully.●

SILEX ASSEMBLY OF GOD CHURCH DEDICATION

● Mr. ASHCROFT. Mr. President, I rise today to congratulate and honor Silex Assembly of God in Silex, Missouri. On March 26th, they will be dedicating their new church building. This dedication and celebration is a tribute to God's faithfulness to the congregation, which began gathering together in 1942. It is also a tribute to their labor of love and personal generosity, led by Pastor and Mrs. John Pool.

Pastor Pool, who retired in 1985, agreed to step up to the pulpit again when the Silex church called upon him to lead them. Now, at age 81, he and the congregation have built their new church themselves, with volunteer labor and sacrificial contributions of time and money. Mrs. Pool has helped feed the volunteer groups day after day. Their devotion to Christ brings honor to the name of the Lord.

I join those gathered for this wonderful occasion, including the Pool's five children and most of their grandchildren, in bringing best wishes for a memorable celebration as Silex Assembly of God renews its commitment to the redemptive mission of Christ. May God bless this ministry with many more years of celebration.●

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–8012. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Appeals Regulations and Rules of Practice-Case Docketing'' (RIN2900–AJ72), received March 16, 2000; to the Committee on Veterans' Affairs.

EC–8013. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Public Information; Communications with State and Foreign Government Officials'' (Docket No. 98N–0518), received March 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8014. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (Docket No. 95F–0065), received March 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8015. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of violations of the Anti-Deficiency Act by Air Force personnel; to the Committee on Appropriations.

EC–8016. A communication from the Legislative Liaison, U.S. Trade and Development Agency transmitting, pursuant to law, the report of a prospective funding obligation; to the Committee on Appropriations.

EC–8017. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–127–FOR), received March 20, 2000; to the Committee on Energy and Natural Resources.

EC–8018. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Subscription Power Sales to Customers and Customer's Sales of Firm Resources'', received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8019. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Federalism; Intergovernment Consultation'', received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8020. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Order on Rehearing (Order No. 2000–A); This Order on Rehearing Provides Clarification to the Final Rule on Regional Transmission Organizations (Order No. 2000)'' (RIN1902–AB77), received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8021. A communication from the Chairman, Federal Election Commission transmitting, pursuant to law, the report of a rule entitled ''Filing Copies of Reports and Statements with State Officers'', received March 17, 2000; to the Committee on Rules and Administration.

EC–8022. A communication from the Director, Corporate Audits and Standards, General Accounting Office transmitting, pursuant to law, the report on the financial statements of the Capitol Preservation Fund for fiscal years 1998 and 1999; to the Committee on Rules and Administration.

EC–8023. A communication from the Chairman, Federal Election Commission transmitting, pursuant to law, a report of proposed legislation; to the Committee on Rules and Administration.

EC–8024. A communication from the Executive Assistant to the Secretary, Smithsonian Institution transmitting the report of the draft minutes of the January 24, 2000 meeting of the Board of Regents; to the Committee on Rules and Administration.

EC–8025. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the Anthrax vaccine and adverse-event reporting; to the Committee on Armed Services.

EC–8026. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the TRICARE Prime Remote program; to the Committee on Armed Services.

EC–8027. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the ongoing evaluation of the effectiveness of TRICARE; to the Committee on Armed Services.

EC–8028. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the provision of dental care to dependents 18 years and younger, of members of the Uniformed Services; to the Committee on Armed Services.

EC–8029. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report entitled ''Congressionally Directed Medical Research Programs: Breast Cancer Research Program; Prostrate Cancer Research Program; and Defense Health Research Program''; to the Committee on Armed Services.

EC–8030. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense transmitting, pursuant to law, the report of a rule entitled ''Collection from Third Party Payers of Reasonable Costs of Healthcare Services'' (RIN0790–AG51), received March 16, 2000; to the Committee on Armed Services.

EC–8031. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8032. A communication from the Administrator, U.S. Agency for International Development, transmitting the FY 2001 Annual Performance Plan; to the Committee on Foreign Relations.

EC–8033. A communication from the Administrator, U.S. Agency for International Development, transmitting the FY 1999 Annual Performance Report; to the Committee on Foreign Relations.

EC–8034. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of proposed Technical Assistance Agreements and Manufacturing License Agreements with Russia; to the Committee on Foreign Relations.

EC–8035. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8036. A communication from the President of the United States of America, transmitting, pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, the report of all Federal agency climate change programs and activities; to the Committee on Foreign Relations.

EC–8037. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: TN–32 Addition'' (RIN3150–AG18), received March 17, 2000; to the Committee on Environment and Public Works.

EC–8038. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Contiguous U.S. District Population Segment of the Canada Lynx, and Related Rule'' (RIN1018–AF03), received March 20, 2000; to the Committee on Environment and Public Works.

EC–8039. A communication from the Chief, Endangered Species Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; 90-Day Findings for a Petition to List North American Populations of Smalltooth Sawfish as Endangered under the Endangered Species Act'' (RIN0648–XA49), received March 20, 2000; to the Committee on Environment and Public Works.

EC–8040. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Organobromine Production Wastes; Identification and Listing of Hazardous Wastes; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Portable Quantities; Final Rule'' (FRL #6560–4), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8041. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards for the Builders' Paper and Board Mills Point Source Category; Technical Amendment; Removal'' (FRL #6562–3), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8042. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District, San Joaquin Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District, CA 224–0213a & 224–0213b'' (FRL #6549–7), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8043. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oregon'' (FRL #6544–2), received March 16, 2000; to the Committee on Environment and Public Works.

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–437. A joint resolution adopted by the General Assembly of the State of Illinois relative to the national agricultural policy; to the Committee on Agriculture, Nutrition, and Forestry.

POM–438. A joint resolution adopted by the Legislature of the State of Washington relative formula grants for gifted and talented education programs; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 8019

Whereas, every child is unique and deserves a stimulating and challenging education regardless of ability; and

Whereas, true equity involves providing an appropriate education to every learner; and

Whereas, our nation's diverse student population includes academically gifted boys and girls from every region and from all ethnic, cultural, and socioeconomic backgrounds; and

Whereas, gifted children are unusually swift and efficient learners in their areas of strength and therefore require in those domains a different pace, depth, and level of education than is ordinarily provided at their age; and

Whereas, being gifted doesn't automatically make these children better students, however, gifted students learn faster and in different ways than typical students, causing special educational needs; and

Whereas, only in conjunction with appropriate school challenges can gifted children realize their enormous potential contribution to our society and its citizens; and

Whereas, a nation seeking to provide for world class education cannot afford to exclude its most capable students from appropriate and equitable opportunities for educational growth in the classroom; and

Whereas, Congress has sent a message about the importance of gifted student success by funding the Javits Program of research and demonstration services with an emphasis on underserved groups;

Now, therefore, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully entreat that Congress continue to help meet the unique special needs of gifted students by including formula grants to states for gifted and talented education programs (HR 637 and S 505) in its consideration of the reauthorization of the Elementary and Secondary Education Act.

Be it Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

SENATE JOINT MEMORIAL 8019

POM–439. A concurrent resolution adopted by the General Assembly of the State of Indiana relative to reauthorization of the Ryan White Comprehensive AIDS Resources Emergency Act (CARE); to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION

Whereas, in Indiana, as of January 1, 2000, more than 10,000 cases of the expanding epidemic known as AIDS—Acquired Immune Deficiency Syndrome—have been reported;

Whereas, the State of Indiana created a Division of HIV/STD within the Department of Health, to proactively address issues relating to HIV/AIDS, and which office now directly administers the expenditure of Federal and State funds to combat the disease;

Whereas, due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV disease has grown significantly; the progression from HIV to an AIDS diagnosis for many has slowed considerably as a result of these therapies;

Whereas, it is estimated that more than 6,000 residents of Indiana are currently living with HIV disease;

Whereas, it is estimated that an additional 1,300 or 21 percent, of Hoosiers with HIV disease are unaware of their diagnosis, and hundreds of individuals know that they are HIV-positive but are not receiving care regularly;

Whereas, it is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections in the United States each year;

Whereas, HIV/AIDS in Indiana disproportionately impacts communities of color, gay and bisexual men and women, as well as economically-depressed and other underserved communities;

Whereas, in 1999 the rate of HIV disease among Whites was 7 per 100,000, while the rate among Hispanics was 19.3 per 100,000, and the rate among African Americans was 44 per 100,000;

Whereas, in 1999 the rate of HIV disease among White males was 13 per 100,000, while the rate among Hispanic males was 29.9 per 100,000, and the rate among African American males was 59.8 per 100,000;

Whereas, in 1999 the rate of HIV disease among White females was 1.3 per 100,000, while the rate among Hispanic females was 8.4 per 100,000, and the rate among African American females was 29.8 per 100,000;

Whereas, the rate of HIV disease among African American females more than doubled compared to the rate among White females from 1998 to 1999;

Whereas, as many as 16 percent of new HIV infections occur in people under age 25, and one in eight are in young people under age 22;

Whereas, young adults ages 20–29 represent 20% of reported AIDS cases, but represent 38% of newer cases of HIV infection;

Whereas, increasingly, some individuals with HIV disease have also been diagnosed with substance abuse and/or mental illness (dual diagnosis);

Whereas, substance abuse is a factor in well over 50% of HIV infections in some United States cities;

Whereas, Indiana looks to the Federal Government to assist the State in meeting the expanding health care and social services needs of the people living with HIV disease;

Whereas, the Ryan White Comprehensive AIDS Resource Emergency (CARE) Act was first adopted by Congress in 1990;

Whereas, the Ryan White CARE Act expires on September 30, 2000;

Whereas, since its inception, the Ryan White CARE Act has ensured the delivery of vital medical care and treatment and essential support services to thousands of Hoosiers, including medical examinations, laboratory procedures and evaluations, pharmaceuticals, dental care, case management, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, and mental health counseling;

Whereas, in more recent years the State has developed the Health Insurance Assistance Program, (HIAP), using a portion of

Ryan White CARE Act dollars to purchase comprehensive health insurance policies for hundreds of Hoosiers through the Indiana Comprehensive Health Insurance Association (ICHIA), Indiana's high risk insurance pool, at roughly one-half of the cost of providing medical and pharmaceutical services under the State's Early Intervention Program (EIP) and AIDS Drug Assistance Program (ADAP);

Whereas, under Federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as the critical safety net program for low-income uninsured or underinsured individuals;

Whereas, the Federal Budget for Fiscal Year 2000 contains increased funding for the Ryan White CARE Act, and Indiana is expected to receive $7,813,713 beginning April 1, 2000;

Whereas, funding under Title II of the Ryan White CARE Act pays for care, treatment and social services;

Whereas, over 80% pay for life-extending and life-saving pharmaceuticals under Indiana's AIDS Drug Assistance Program (ADAP) and for comprehensive health insurance policies under Indiana's Health Insurance Assistance Program (HIAP);

Whereas, title III of the Ryan White CARE Act provides funding to public and private nonprofit entities in Indiana for outpatient early intervention and primary care services;

Whereas, the goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Part F) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time-limited grants to assess models for delivering health and support services;

Whereas, SPNS projects have supported the development of innovative service models for HIV care to provide legal, health and social services to communities of color, youth, hard to reach populations, and those with dual diagnoses in Indiana; and

Whereas, the Midwest AIDS Training and Education Center (MATEC) is funded as part of Part F of the Ryan White CARE Act, and in Indiana, MATEC trains clinical health care providers provides consultation and technical assistance, and disseminates ever-changing information for the effective management of HIV disease; Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly affirms its support of the Ryan White CARE Act, and urges the Congress of the United States to expeditiously reauthorize the Act in order to ensure that the expanding medical care and support services needs of individuals living with HIV disease are met.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and Ranking Minority Members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, and to the Chairpersons and Ranking Minority Members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from Indiana in the Congress of the United States.

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:

By Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, and Mr. BREAUX):

S. 2254. A bill to amend the elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN:

S. 2255. A bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 2256. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 2257. A bill to extend the temporary suspension of duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

By Mr. BREAUX:

S. 2258. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2259. A bill to amend title 28, United States Code, to divide New Jersey into 2 judicial districts; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. 2260. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. ROBB, Ms. MIKULSKI, Mr. BAYH, and Mr. LIEBERMAN):

S. 2261. A bill to encourage the formation of industry-led training consortia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself, Mr. MURKOWSKI, Mr. CRAIG, Mr. COVERDELL, Mrs. HUTCHISON, and Ms. COLLINS):

S. 2262. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday; read the first time.

By Mr. LOTT:

S. 2263. A bill to amend the Internal Revenue code of 1986 to institute a Federal fuels tax holiday; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mrs. HUTCHISON):

S. 2264. A bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. LOTT, Mr. BROWNBACK, Mr. BINGAMAN, Mr. GRAMM, Mr. THOMAS, and Mr. INHOFE):

S. 2265. A bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes; 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:

By Mr. REED (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr . ROBB, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, and Mr. BINGAMAN):

S. Res. 276. A resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate; to the Committee on the Judiciary.

By Mr. REED (for himself, Mrs. MURRAY, and Mr. SMITH of New Hampshire):

S. Con. Res. 97. A concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, and Mr. BREAUX):

S. 2254. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

PUBLIC EDUCATION REINVESTMENT, REINVENTION, AND RESPONSIBILITY ACT

Mr. LIEBERMAN. Mr. President, I rise today to offer a new plan for Federal education spending to refocus our national education policy on helping states and local school districts raise academic achievement for all children, putting the priority for federal programs on performance instead of process, and on delivering results instead of developing rules.

In broad terms, the public Education Reinvestment, Reinvention, and Responsibility Act—better known as the ''Three R's''—calls on states and local districts to enter into a new compact with the federal government to work together to strengthen standards and improve educational opportunities, particularly for America's poorest children. It would provide states and local educators with significantly more federal funding and significantly more flexibility in targeting aid to meet their specific needs. In exchange, it would demand real accountability, and for the first time consequences on schools that continually fail to show progress.

From my visits with parents, teachers, and principals over this past year, it is clear that we as a nation still share a common love for the common school, for its egalitarian mission, for its democratizing force, and for its unmatched role in helping generation

after generation rise and shine. Unfortunately, we are asking schools to do more than they were designed to do, to compensate for disengaged parents and divided communities—for instructing teenage girls on how to raise their children while they try to raise the GPAs, to nourishing the bodies and psyches of grade-schoolers who often begin the day without breakfast or affection, to policing school halls for guns and narcotics.

At the same that schools are trying to cope with these new and complex stresses and strains, we are demanding that they teach more than that have ever taught before in our history. The reality is that in this high-tech, highly-competitive era, there are fewer low-skilled industrial jobs available, and a premium on knowledge and critical thinking, meaning it is no longer enough to provide some kids with just a rudimentary understanding of the basics. Employers and parents alike with better teachers, stronger standards, and higher test scores for all students, as well as state-of the art technology and the Information Age skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children that the bulk of our schools are as good as they are, in light of these intensifying pressures. But the strain is nevertheless building, and with it serious doubts about our public schools and their capability to meet these challenges. Just this fall the Democratic Leadership Council, of which I am proud to serve as chairman, released a national survey showing that two-thirds of the American people believe our public schools are in crisis.

I was surprised by that high percentage, which may be skewed somewhat by lingering shock over the growing incidents of school shootings. But we must admit that our public schools are not working for a lot of our kids. And, as a result, I believe that our public education system is facing an enormously consequential test, which will go a long way toward determining our future strength as a nation. It is a test of our time whether we can reform and in some ways reinvent our public education system to meet these new demands, without compromising the old ideals that have sustained the common school for generations.

For us to pass this test, we have to first recognize that there are serious problems with the performance of many public schools, and that public confidence in public education will continue to erode if we do not acknowledge and address those problems soon. While student achievement is up, we must realize the alarming achievement gap that separates minorities from Whites and low-income students from their more affluent counterparts. According to the state-by-state reading scores of fourth-graders on the National Assessment of Educational Progress, the achievement gap between African American and White students grew in 16 states between 1992 and 1998. The gap between Hispanic and White students grew in nine states over the same period of time. We must also question whether our schools are adequately preparing our youth to enter the global economy when, in international students, U.S. 12th graders score below the international average in mathematics and science compared to 21 other nations.

We also have to acknowledge that we have not done a very good job in recent years in providing every child with a well-qualified teacher, a critical component to higher student achievement. We are failing to attract enough good minds in the teaching profession—one survey of college students in 21 different fields of study found that education majors ranked 17th in their performance on the SAT. We are failing to adequately train enough of these aspiring teachers at education schools—in Massachusetts last year, to cite one particularly egregious example, 59 percent of the 1,800 candidates who took the state's first-ever certification exam flunked a literacy test that the state board of education chairman rated as at ''about the eighth-grade level.'' And, we are failing to deliver teachers to the classroom who truly know their subject matter—our national survey found that one-fourth of all secondary school teachers did not major in the core area of instruction, and that in the school districts with the highest concentration of minorities, students have less than a 50 percent chance of getting a math or science teacher who has a license or a degree in their field.

With that said, we also have to acknowledge that while more money alone wont solve our problems, we cannot honesty expect to reinvent our schools without it either. The reality is that there is a tremendous need for additional investment in our public schools, not just in urban areas but in every kind of community. Thousands of crumbling and overcrowded schools to modernize. Two million new teachers to hire and train. Billions in spiraling special education costs to meet.

We also have to recognize the basic math of trying to raise standards at a time of profound social turbulence that we will need to expend new sums to reach and teach children who in the past we never asked to excel, and who in the present will have to overcome enormous hurdles to do so. I believe any child can learn—any child—and that has been proven over and over again in the best schools in both my home state of Connecticut and in many of America's cities.

There are in fact plenty of positives to highlight in public education today, which is something else that we have to acknowledge, yet too often don't. I have made a concerted effort over the last few years to visit a broad range of schools and programs in Connecticut, and I can tell you that there is much happening in our public schools that we can be heartened by, proud of, and learn from.

There is the John Barry Elementary School in Meriden, Connecticut, which was singled out by the U.S. Department of Education as a Distinguished title I School for its work with disadvantaged students. Like many urban schools, Barry has to contend with a high-poverty, high-mobility student population, but through Reading Recovery and other interventions, Barry has had real success improving the reading skills of many of its students.

There is the Side by Side Charter School in Norwalk, one of 17 charter schools in Connecticut, which has created an exemplary multiracial program in response to the challenge of Sheff v. O'Neill to diminish racial isolation. With the freedom that goes with its charter, Side by Side is experimenting with a different approach to classroom assignments, having students stay with teachers for two consecutive years to take advantage of the relationships that develop, and by all indications it is working quite well for those kids.

And there is the BEST program, which, building on previous efforts to raise teacher skills and salaries, is now targeting additional state aid, training, and mentoring support to help local districts nurture new teachers and prepare them to excel. In this regard Connecticut is far ahead of most of the country in adapting its teacher quality programs to meet today's challenges—setting high performance standards both for teachers and those who train them, helping novices meet those standards, and holding the ones who don't accountable. The result is that Connecticut's blueprint is touted by some, including the National Commission on Teaching and America's Future, as a national model for others to follow.

A number of other states, led by Texas and North Carolina, are moving in this same direction—refocusing their education systems not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are in fact adopting what might be called a ''reinvest, reinvent, and responsibility'' strategy, by (1) infusing new resources into their public education systems; (2) giving local districts more flexibility; and (3) demanding new measures and mechanisms of accountability, to increase the chances that these investments will yield the intended return, meaning improved academic achievement for all students.

This move to trade flexibility for accountability, and to focus on performance instead of process, is not the definitive answer to passing the test I outlined earlier, of adapting our public schools to the rapidly-changing environment around us. There are obviously other parts of the equation, none more important that parental involvement. Everything we know from research indicates that an engaged parent makes a crucial difference in student achievement, particularly in terms of reading, and we have to do

more to get parents to play a more active role in their children's learning. But when it comes to improving the delivery of public education, the reinvestment and reinvention approach is the best solution I have heard yet, and probably our best hope for extending the promise of equal opportunity into the new century.

In Congress, our opportunity now is with the upcoming reauthorization of the Elementary and Secondary Education Act. Today, nearly $15 billion in Federal aid flows through ESEA programs to states and local education authorities, and other educational entities annually. While this constitutes a minute fraction of all the money spent on public education each year, it is still a lot of money, and past experience shows that Federal money has a habit of influencing local behavior. If we can reformulate the way we distribute those additional dollars, and peg our national programs to performance instead of process, we can go a long way toward encouraging more states and local school districts to reinvest and reinvent public education, while taking more responsibility for its outcomes.

Unfortunately, Congress seems more interested in being an agent of recrimination. We spend most of our time positioning ourselves for partisan advantage rather than trying to fix serious problems. We reduce a complicated issue to a simplistic multiple choice test, forcing a false choice between more spending and programs, or block grants and vouchers. And, the answer we are left with is none of the above.

Mr. President, I am pleased to join my colleagues Senators BAYH, BREAUX, GRAHAM, KOHL, LANDRIEU, LINCOLN, and ROBB in introducing this groundbreaking legislation that signifies that there is a better way, a third way to address education reform. It builds on the progress many states have already made through the standards movements. It calls for streamlining and consolidating the maze of programs under the Elementary and Secondary Education Act into five goal-oriented titles, each with more money and fewer strings attached, and all of them geared toward encouraging innovation, promoting what works, and ultimately raising academic achievement for all students.

We would concentrate our efforts on closing the achievement gap between the haves and have-nots, fostering English proficiency for immigrant children, improving the quality of teaching for all children, promoting choice and competition within the public system, and stimulating innovative and high performance educational initiatives. We would ask the states to set performance standards in each of these areas, and in exchange for the new funding and flexibility we provide, we would hold states accountable for delivering demonstrable results. We would reward success and, for the first time in the history of ESEA, punish chronic failure.

We agree with our Democratic colleagues that we need to invest more resources if we want to meet the new challenges of the new century, and prepare every student to succeed in the classroom. That is why we would boost ESEA funding by $35 billion over the next five years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst-performing schools and if it is not coupled with a demand for results. That is why we not only increase Title I funding by 50 percent, but use a more targeted formula for distributing these new dollars to schools with the highest concentrations of poverty. And that is why we develop a new accountability system that strips federal funding from states that continually fail to meet their performance goals.

We also agree with our Republican colleagues that federal education programs are too numerous and too bureaucratic. That is why we eliminate dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core mission of raising academic achievement. But we also believe that we have a great national interest in promoting broad national educational goals, chief among them delivering on the promise of equal opportunity. It is not only foolish, however, but irresponsible to hand out federal dollars with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

The first would enhance our longstanding commitment to providing extra help to disadvantaged children through the Title I program, while better targeting $12 billion in aid—a 50 percent increase in funding—to schools with the highest concentrations of poor students. The second would combine various teacher training and professional development programs into a single teacher quality grant, increase funding by 100 percent to $1.6 billion annually, and challenge each state to pursue the kind of bold, performance-based reforms that my own state of Connecticut has undertaken with great success.

The third would reform the Federal bilingual education program and hopefully defuse the ongoing controversy surrounding it by making absolutely clear that our national mission is to help immigrant children learn and master English, as well as achieve high levels of achievement in all subjects. We must be willing to back this commitment with essential resources required to help ensure that all limited English proficient students are served.

Under our approach, funding for LEP programs would be more than doubled to $1 billion a year, and for the first time be distributed to states and local districts through a reliable formula, based on their LEP student population. As a result, school districts serving large LEP and high poverty student populations would be guaranteed federal funding, and would not be penalized because of their inability to hire savvy proposal writers for competitive grants.

The fourth would respond to the public demands for greater choice within the public school framework, by providing additional resources for charter school start-ups and new incentives for expanding local, intradistrict choice programs. And the fifth would radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts greater flexibility in addressing specific needs. We consolidate more than 20 different programs into a single High Performance Initiatives title, with a focus on supporting bold new ideas, expanding access to summer school and after school programs, improving school safety, and building technological literacy. We increase overall funding by more than $200 million, and distribute this aid through a formula that targets more resources to the highest poverty areas.

The boldest change we are proposing is to create a new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes, on how schools ultimately perform in educating children. This bill would reverse that imbalance by linking Federal funding to the progress states and local districts make in raising academic achievement. It would call on state and local leaders to set specific performance standards and adopt rigorous assessments for measuring how each district is faring in meeting those goals. In turn, states that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time, there would be consequences for poor performance.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether you can penalize failing schools without also penalizing children. The truth is that we are punishing many children right now, especially the most vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one, a situation that is just not acceptable anymore. This bill minimizes the potential negative impact of these consequences on students. It provides the states with three years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing, and also provides additional resources for states to help school districts identify and improve low-performing schools. If after those three years a state is still failing to meet its goals, the state would be penalized by cutting its administrative funding by 50 percent. Only after four

years of under performance would dollars targeted for the classroom be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools becomes more like punishing them.

I must address another concern that may be raised that this is a block grant in sheep's clothing. There are substantial differences between a straight block-grant approach and this streamlined structure. First, in most block-grant proposals the accountability mechanisms are vague, weak and often non-existent, which is one reason why I have opposed them in the Senate. Our bill would have tangible consequences, pegged not just to raising test scores in the more affluent suburban areas, but to closing the troubling achievement gap between students in poor, largely minority districts and their better-off peers.

This leads me to another way this bill is different. Unlike many block-grant supporters, I strongly believe that we have a great national interest and a national obligation to promote specific educational goals, chief among them delivering on the promise of equal opportunity, and that is reflected in our legislation. While it makes sense to streamline and eliminate as many strings as possible on Federal aid, to spur innovation and also to maximize the bang for our Federal buck, it does not make sense to hand over those Federal bucks with no questions asked, and thus eliminate the Federal role in setting national priorities. That is why, in the restructuring we have developed, we have maintained separate titles for disadvantaged students, limited English proficient students, teacher quality, public school choice, and high quality education initiatives, all of which, I would argue, are critical to raising academic achievement and promoting equal opportunity. And that is why of the more than $6 billion increase in annual funding I am proposing, $4 billion would be devoted to title I and those students most in need of our help.

It is a fairly common-sense strategy—reinvest in our public schools, reinvent the way we administer them, and restore a sense of responsibility to the children we are supposed to be serving. Hence the title of our bill: the Public Education Reinvention, Reinvestment, and Responsibility Act, or the Three R's for short. Our approach is humble enough to recognize there are no easy answers to turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found here in Washington anyway. But it is ambitious enough to try to harness our unique ability to set the national agenda and recast the federal government as an active catalyst for success instead of a passive enabler of failure.

Mr. BAYH. Mr. President, I rise today to speak on a matter of great importance and urgency to me. We are at a crossroads in American education and that is why I join with my colleagues Senators LIEBERMAN, LANDRIEU, KOHL, LINCOLN, BREAUX, GRAHAM, and ROBB in offering the Public Education Reinvestment, Reinvention, and Responsibility Act.

Since the middle of the 1800s, when Horace Mann and a group of others dedicated our country to the principle that every child should have access to a good public education, we have held that out as an ideal for our country. In the middle 1960s, there was growing recognition that for too many of our children, this principle was really a hollow dream. And so, the Elementary and Secondary Education Act (ESEA) was born. We introduce our version of ESEA today in recognition of the fact that for too many millions of American children the dream of a quality public education is still sorely lacking.

The consequences of any of our children not receiving a quality education are far greater than ever before. For the first time in our nation's history, the growing gap between the educational ''haves'' and ''have nots'' threatens to create a permanent underclass. If we do not address these shortcomings, the knowledge and information gap will lock many of our citizens out of the marketplace and prevent them from accessing opportunity in the New Economy. We stand here today in recognition of the fact that the solutions of the 1960s are inadequate to meet the challenges of the 21st Century and the years beyond. We stand here today to say the status quo is not good enough; that we must do better.

Our legislation proposes dramatic change in a significant rethinking of business as usual when it comes to education policy here in Washington, D.C. We propose a substantial increase in our nation's investment in education, because we recognize that we can't expect our schools, particularly our poorer schools, to get the job done if we don't give them the tools to get the job done. We propose an increase of $35 billion over five years in Federal education spending, a 50 percent increase for Title I funding, 90 percent increase for professional development funding for teachers, over a 30 percent increase for innovative programs, and nearly a doubling in funding for Charter schools and Magnet Schools so as to give parents greater public school choice. This is a significant investment of public dollars.

But we do more than just throw money at the problem, because we know that taxpayers, parents, and most of all our children, have a right to expect more from us. Instead, we focus on accountability. In return for increased investment, we insist upon results. We focus on outcomes, not incomes. No longer will we define success only in terms of how much money is spent, but instead of how much our children know. Can they read and write, add and subtract, know basic science?

No longer will we define accountability in terms of ordering local school districts to spend dollars in particular ways, but instead in terms of whether our children are getting the skills they need to make a successful life for themselves. This is a significant rethinking from the things that have prevailed here in Washington for several decades.

Our proposal also provides a substantial amount of flexibility. We don't agree with our colleagues on the far right in block grants which would allow money to be diverted from public education or to allow dollars to be diverted from focusing on our poorest students. But we do allow for local principals and superintendents to have a much greater say in determining how best to spend those dollars, because we believe that those at the local level who labor in the classrooms and the schools every day, can make those decisions far better than those of us who now work on the banks of the Potomac.

It was Thomas Jefferson who said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be. So we put forward this proposal because we know that the cause of improving public education is critically important to our economy, critically important to the kind of society that we will be, and essential to the vibrancy of our democracy itself.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Public Education Reinvestment, Reinvention, and Responsibility Act of 2000—better known as ''Three R's.'' I have been pleased to work with the education community in Wisconsin, as well as Senator LIEBERMAN and our other cosponsors, on this important piece of legislation. I believe that this bill represents a realistic, effective approach to improving public education—where 90 percent of students are educated.

We have made great strides in the past six years toward improving public education. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased.

In Wisconsin, educators have worked hard to help students achieve. Fourth-graders and eighth-graders are showing continued improvement on State tests in nearly every subject, particularly in science and math. Third-graders are scoring higher on reading tests. Test results show some improvement across all groups, including African American, disabled, and economically disadvantaged groups.

Unfortunately, despite all of our best efforts, we still face huge challenges in improving public schools. The most recent TIMSS study of students from 41 different countries found that many American students score far behind those in other countries. In Wisconsin, scores in math, science and writing are

getting better but still need improvement. And test scores of students from low-income families, while showing some improvement, are still too low.

Mr. President, I strongly support the notion that the Federal government must continue to be a partner with States and local educators as we strive to improve public schools. As a nation, it is in all of our best interests to ensure that our children receive the best education possible. It is vital to their future success, and the success of our country.

However, addressing problems in education is going to take more than cosmetic reform. We are going to have to take a fresh look at the structure of Federal education programs. We need to let go of the tired partisan fighting over more spending versus block grants and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

Our ''Three R's'' bill does just that. It makes raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must continue to make a stronger investment in education, and that Federal dollars must be targeted to the neediest students. A recent GAO study found that Federal education dollars are significantly more targeted to poor districts than money spent by States. Although Federal funds make up only 6–7 percent of all money spent on education, it is essential that we target those funds where they are needed the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. They should be given more flexibility to determine how they will use Federal dollars to meet those needs.

Finally—and I believe this is the key component of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we need to stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

Mr. President, I believe the ''Three R's'' bill is a strong starting point for taking a fresh look at public education. We need to build upon all the progress we've made, and work to address the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—a chance to live a successful productive life. I look forward to working with all of my colleagues on both sides of the aisle, as well as education groups in my State, as Congress debates ESEA in the coming months.

By Mr. MCCAIN:

S. 2255. A bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006; to the Committee on Commerce, Science, and Transportation.

THE INTERNET TAX FREEDOM ACT OF 2000

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation today to extend the moratorium on Internet taxes through 2006. This will ensure that Internet commerce remains free from burdensome, anticonsumer taxation while we discuss a fair and equitable tax structure for our new economy. This bill simply extends the law passed by Congress and signed by the President in October 1998.

The 1998 legislation imposed a moratorium and provided for a commission to report to Congress. While the Commission has not yet reported its recommendations, it is clear from published reports of their deliberations and from interviews with their members that a clear consensus is not imminent. More discussions and more time is necessary to arrive at a fair conclusion. Although I feel strongly that in the end a permanent moratorium is the best policy, which is why I introduced legislation to impose a permanent ban on Internet taxes, I also have become convinced that we need more time to determine how state and local governments will be affected. We need to consider whether the macroeconomic benefits of the new economy will outweigh the potential losses in direct revenues, how to ensure a level playing field for all venues of commerce, and how to simplify the overwhelming morass of tax rules, regulations and paperwork so that opportunities for new or small businesses are not lost in complex and archaic bureaucracy.

The compromises being discussed by the Commission are a good start to the debate, but more time is necessary to pursue these and other possible options. It is becoming increasingly clear that the answer to taxation of the internet must affect taxation of other commerce media, such as catalog sales, as well. We need to reexamine the level of services which the public wants to be provided by government and determine how to provide necessary revenue to accomplish the people's will. We need to ensure that taxation is not simply imposed to increase government bureaucracy.

Recent studies indicate that state and local governments will not suffer during this interim period. A June 1999 report by the well-known and respected auditing and business consulting firm or Ernst & Young concludes that total sales and use taxes not collected by state and local governments from Internet e-commerce transactions in 1998 amounted to only ''one-tenth of one percent of total state and local sales and use tax collections.'' Another May 1999 analysis of Internet commerce transactions through 2003 by Austan Goolsvee and Jonathan Zittrain, published in the National Tax Journal, predicts ''even with a 70 percent rate of growth in retail e-commerce transactions, a revenue loss of less than 2 percent of sales tax revenue.''

There are multiple reasons for this very marginal impact on state and local revenues. First, most of the e-commerce transactions are wither business-to-business transactions, or for services, such as financial services and travel, which are exempt from sales and use taxes in most states. Ernst & Young estimated only 13 percent of the total e-commerce sales transactions were of a type which would be subject to sales and use taxes if conducted in person.

Second, as pointed out by Austan Goolsbee and Jonathan Zittrain, the Internet is a ''trade creator''—that is, many transactions which occur through e-commerce would not take place at all without the internet.

Third, the Internet does not divert sales only from brick and mortar retailers, but also from mail order catalogs. Those sales are also subject to sales and use tax only where a nexus, a physical presence, in the taxing state.

We are currently seeing a continued rise in state and local revenues. Many states are currently debating how to refund money to their citizens, whether to cut sales taxes or income taxes. Thus, this moratorium should not negatively impact their ability to provide services during the interim.

It is important to look at the full picture here. The Internet is filled with web sites of small businesses which are expanding in ways which would never have before been economically feasible. For example, a small store in a small town which has historically had a limited market for its good now has a website that allows it to market and sell to people all over the country—all over the world. It increases its business and needs to hire more employees, and pays taxes on its increased revenues. The states and local governments benefits, not only from the additional taxes paid on the revenues, but in the economic benefits of additional jobs.

The potential burden of complying with tax regulations and the paperwork involved under current law for as many as 7,500 estimated taxing units in this country would ovrwhelm many businesses, especially small businesses. An example in the March 13, 2000 edition of Interactive Week is instructive. ''If you're a raw peanut, five states would require that sales taxes are paid

on your purchase. If you're roasted, 11 states charge a sales tax. Add some honey to that roasting, and now 21 states say you're taxable. Get drenched in caramel and mixed with caramel-coated popcorn and suddenly you're a snack, and 31 states will call the tax man.''

While I hope that the debate will conclude with a decision to leave the Internet as a ''tax-free-zone,'' I believe that it is important to continue the discussion and to move all stakeholders toward a consensus. This temporary extension of the moratorium already approved by Congress and the President will allow us to do that. This is a good compromise which will serve as a catalyst for consideration of the broader tax policy issues which need to enter into this discussion to ensure a fair and equitable tax system in this country.

I intend to move this bill through committee expeditiously and look forward to debating it on the Senate floor.

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. 2255

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

SECTION 1. INTERNET TAX MORATORIUM EXTENDED THROUGH 2006.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt) is amended by striking ''3 years after the date of the enactment of this Act—'' and inserting ''on December 31, 2006:'',

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By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 2256. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

THE STATE AND LOCAL LAW ENFORCEMENT DISCIPLINE, ACCOUNTABILITY AND DUE PROCESS ACT OF 2000

Mr. MCCONNELL. Mr. President, today I rise with Senator BIDEN to introduce the State and Local Law Enforcement Discipline, Accountability and Due Process Act of 2000. American families can turn on the news every night and see the reality of the war against crime and drugs. No one understands the dangers of this battle better than the men and women on the front lines. I'm talking about our nation's police officers.

We have entrusted the difficult work of protecting society to police officers. They know the stress and the strain of walking the daily beat, of being caught in the crossfire in a world of gangs and drugs. They do a very difficult job, and with few exceptions, they do it with honor and skill.

We should always remember that the vast majority of police officers work responsibly and risk their lives for all of us. In the words of one officer, 'the ultimate sacrifice could occur at any time. * * * [The] gangs and criminals have rewritten the rule book.'

To make matters worse, the pressure of crime and drugs—of gangs and thugs—is multiplied by the fear of unjust disciplinary actions. Our law enforcement officers face intrusive investigations into their professional and personal lives—oftentimes at the behest of some recently arrested criminal looking for a payback.

Unfortunately, many police officers are denied the same basic procedural and due process rights that the rest of us enjoy and take for granted. As a result, our officers live in the fear of: being investigated without notice; being interrogated without an attorney; and, being dismissed without a hearing.

We insist that police officers respect the constitutional rights of the citizens they serve. We insist that they adhere to the letter and spirit of our laws. We insist that they respect due process in their work. It is past time for us to give them the same kind of legal rights that every other citizen has come to enjoy. That is why Senator BIDEN and I have introduced this bill.

This bill strikes an important balance: it makes sure every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer accountability.

For example, the bill guarantees due process rights to every police officer subject to investigation for non-criminal disciplinary action. Some of these rights include: the right to be informed of the administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing and an opportunity to respond; and the right to be represented by counsel or other representative.

At the same time the bill ensures that legitimate citizen complaints against police officers will be actively investigated, and that citizens will be informed of the progress and outcome of those investigations.

Finally, I must conclude by explaining that this bill is a product of years of input from the men and women who have experienced the daily pressures of police service, and continue to endure them. This legislation has benefitted from the thoughtful ideas and past support of many law enforcement groups, including the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers.

In particular, I am grateful to the contribution made by the Fraternal Order of Police. Over the past 8 years, I have worked closely with the Kentucky FOP to develop and promote this legislation.

The time has come to protect those who protect us. We must give our law enforcement officers the basic and fundamental rights that they desperately need and richly deserve.

By Mr. TORRICELLI:

S. 2259. A bill to amend title 28, United States Code, to divide New Jersey into two judicial districts; to the Committee on the Judiciary.

CREATING A NORTHERN AND SOUTHERN DISTRICT OF NEW JERSEY

● Mr. TORRICELLI. Mr. President, I rise today to introduce a bill that will help bring more criminals to justice and create a better federal judicial system in New Jersey. This legislation will divide the federal District of New Jersey into the Southern and Northern Districts of New Jersey which will enable the federal courts and federal agencies to better serve the approximately 8 million residents of the state. It will also bring much needed federal law enforcement resources to the state, particularly southern New Jersey.

Under the bill, the proposed Southern District of New Jersey would include 8 of the 21 counties in New Jersey and the Northern District of New Jersey would include the remaining 13. The federal courthouses would be located in Camden and Trenton for the Southern District and in Newark for the Northern District. All federal cases arising in the eight-county Southern District would be heard in the federal court in Camden or Trenton and cases from the 13-county Northern District would be heard in Newark. The bill would also result in the creation of several new federal positions for the Southern District including a Clerk of the Court, U.S. Attorney, U.S. Marshal, and a Federal Public Defender, among others.

By creating a new Southern District of New Jersey, more federal crime-fighting resources will be brought to a region which crime statistics reveal is besieged by violent crime. In 1998, southern New Jersey accounted for 25 percent of the state's urban murders, 32 percent of the state's murder arrests and 33 percent of the state's arrests for violent crimes. This initiative will also ensure that crime-fighting decisions are made locally instead of by officials who are based elsewhere in the state and that law enforcement officials in the region will get the resources needed to prosecute crimes effectively and expeditiously.

The creation of two districts will also provide relief from the crush of cases that have crowded the dockets of the federal courts in southern New Jersey and caused a severe backlog in the system. In 1998 alone, 281 federal criminal

cases were filed in federal courts in southern New Jersey and 161 criminal cases were still pending at the end of the year. In that same year, 2,116 civil cases were filed and 1,318 civil cases were pending at the end of the year. Moreover, of the 95 federal judicial districts across the nation, more than half generated fewer criminal and civil cases than southern New Jersey and in some cases with far more federal judicial and law enforcement resources. Currently, only 10 percent of the FBI agents, 15 percent of the United States Marshals and 18 percent of the Drug Enforcement Administration agents in New Jersey are assigned to the region. Of the 119 Assistant United States Attorneys in the state, only 12 are assigned to South Jersey.

Finally, the creation of a new Northern and Southern Districts of New Jersey is warranted based on the sheer size of the state. The current District of New Jersey is the third most populous federal judicial district in the nation. Of the 25 states that have a single federal judicial district, New Jersey has the largest population and more than a dozen states with smaller populations have multiple judicial districts. In fact, with more than 2 million residents in the southern counties, the population of the proposed Southern District of New Jersey would exceed that of almost half of the current judicial districts and the proposed Northern District would rank even higher.

This initiative enjoys broad bipartisan political support in New Jersey, and a similar bill has been introduced and cosponsored in the U.S. House of Representatives by the entire southern New Jersey Congressional delegation. The measure also has strong support in the southern counties and is backed by all eight southern county bar associations, the South Jersey Police Chief's Association, the Chamber of Commerce of Southern New Jersey and various former county prosecutors and former federal law enforcement officials.

While the process of reviewing and deliberating the merits of this legislation will be lengthy and time consuming, this is an idea which is long overdue. The citizens of New Jersey deserve a better federal judicial system and their fair share of federal crime-fighting resources. I look forward to working with my colleagues to secure passage of this legislation.

I ask unanimous consent that a copy of the legislation appear in the RECORD.

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

S. 2259

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) In 1978, the Judicial Conference of the United States established a procedure for creating new Federal judicial districts, which is still in force. According to the ''Proceedings of the Judicial Conference, September 21–22, 1978'', this procedure requires that 4 principal criteria be taken into consideration in evaluating the establishment of a new Federal judicial district: caseload, judicial administration, geography, and community convenience.

(2) The criterion of ''caseload'' is found to include the total number of Federal court cases and the number of cases per Federal judge, for both civil and criminal Federal cases.

(3)(A) The substantial criminal caseload concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) 281 Federal criminal cases originated in the 8 southern New Jersey counties in 1998 and were handled by the 5 judges of the Camden vicinage and the 3 judges of the Trenton vicinage.

(C) The criminal caseload in the southern region of New Jersey exceeds that of 51 of the current Federal judicial districts. Only 44 of the 95 Federal district courts have more criminal cases filed than the southern region of New Jersey.

(D) For example, in the Eastern District of Virginia (9 judges), 110 criminal cases were filed in 1998. In the District of Connecticut (8 judges), only 221 criminal cases were filed in 1998.

(4)(A) The substantial civil caseload concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) 2,116 Federal civil cases originated in the 8 southern New Jersey counties in 1998 and were handled by the 5 judges of the Camden vicinage and the 3 judges of the Trenton vicinage.

(C) The civil caseload in the southern region of New Jersey exceeds that of 52 of the current Federal judicial districts. Only 43 out of the 95 Federal districts have more civil cases filed than this region of the New Jersey District.

(D) For example, in the Southern District of West Virginia, a separate judicial district with 5 judges, only 1,315 civil cases were filed in 1998. The Western District of Tennessee, similarly, with 5 judges, had only 1,581 civil cases filed in 1998.

(5) The criterion of ''judicial administration'' is found to include the backlog of pending cases in a Federal judicial district, which hinders the effective resolution of pending business before the court.

(6)(A) The size of the backlog of pending cases concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) The number of pending cases in the Camden vicinage of New Jersey exceeds the number of cases pending before entire judicial districts with similar numbers of judges, clearly indicating that southern New Jersey merits a separate Federal judicial district. For example, there are 1,431 civil cases pending before the Camden vicinage, and only 113 of those were commenced in 1999. The Western District of Tennessee, with 5 judges, had only 1,104 civil cases pending in 1998. The Western District of Oklahoma had only 1,359 civil cases pending in 1998 before 6 judges. Finally, there are 161 criminal cases pending before the Camden vicinage, while the entire Southern District of Indiana, with 5 judges, had only 116 criminal cases pending in 1998.

(7) The criterion of ''geography'' is found to mean the accessibility of the central administration of the Federal judicial district to officers of the court, parties with business before the court, and other citizens living within the Federal judicial district.

(8)(A) The distance between the northern and southern regions of New Jersey creates a substantial barrier to the efficient administration of justice.

(B) The distance from Newark, New Jersey to Camden, New Jersey is more than 85 miles.

(C) When a new Federal court district was created in Louisiana in 1971, the distance between New Orleans and Baton Rouge (nearly 80 miles) was cited as a major factor in creating a new district court, as travel difficulties were impeding the timely administration of justice.

(9) The criterion of ''community convenience'' is found to mean the extent to which creating a new Federal judicial district will allow the court to better serve the population and diverse communities of the area.

(10)(A) New Jersey's culturally and regionally diverse population of 8,000,000 citizens, widely distributed across a large State, is inconvenienced by having only 1 judicial district.

(B) Of the 25 States that have only a single Federal judicial district (including Puerto Rico, the United States territories, and the District of Columbia), New Jersey has the highest population.

(C) More than a dozen States have smaller populations than New Jersey, yet they have multiple Federal judicial districts, including Washington, Oklahoma, Iowa, Georgia, West Virginia, and Missouri.

(11) In evaluating the creation of a new Southern District of New Jersey, the Judicial Conference should seek the views of the chief judge of the affected district, the judicial council for the affected circuit court, and the affected United States Attorney as representative of the views of the Department of Justice, as required in the procedure established by the ''Proceedings of the Judicial Conference, September 21–22, 1978''.

SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.

(a) CREATION.—Section 110 of title 28, United States Code, is amended to read as follows:

''§ 110. New Jersey

''New Jersey is divided into 2 judicial districts to be known as the Northern and Southern Districts of New Jersey.

''Northern District

''(a) The Northern District comprises the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren.

''Court for the Northern District shall be held at Newark.

''Southern District

''(b) The Southern District comprises the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Salem.ER

''Court for the Southern District shall be held at Camden and Trenton.''.

(b) JUDGESHIPS.—The item relating to New Jersey in the table set forth in section 133(a) of title 28, United States Code, is amended to read as follows:

''New Jersey:
  ''Northern 9
  ''Southern ..... 8''.

(c) BANKRUPTCY JUDGESHIPS.—The item relating to New Jersey in the table set forth in section 152(a)(1) of title 28, United States Code, is amended to read as follows:

''New Jersey:
  ''Northern 4
  ''Southern ..... 4''.

SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAGISTRATE JUDGES, UNITED STATES ATTORNEY, UNITED STATES MARSHAL, AND FEDERAL PUBLIC DEFENDER.

(a) TRANSFER OF DISTRICT JUDGES.—(1) Any district judge of the District Court of New

Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, or Warren County shall, on or after such effective date, be a district judge for the Northern District of New Jersey. Any district judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County shall, on and after such effective date, be a district judge of the Southern District of New Jersey.

(2) Whenever a vacancy occurs in a judgeship in either judicial district of New Jersey, the vacancy shall first be offered to those judges appointed before the enactment of this Act and in active service in the other judicial district of New Jersey at the time of the vacancy, and of those judges wishing to fill the vacancy, the judge most senior in service shall fill that vacancy. In such a case, the President shall appoint a judge to fill the vacancy resulting in the district of New Jersey from which such judge left office.

(b) TRANSFER OF BANKRUPTCY AND MAGISTRATE JUDGES.—Any bankruptcy judge or magistrate judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, or Warren County shall, on or after such effective date, be a bankruptcy judge or magistrate judge, as the case may be, for the Northern District of New Jersey. Any bankruptcy judge or magistrate judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County shall, on and after such effective date, be a bankruptcy judge or magistrate judge, as the case may be, of the Southern District of New Jersey.

(c) UNITED STATES ATTORNEY, UNITED STATES MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

(1) THOSE IN OFFICE.—This Act and the amendments made by this Act shall not affect the tenure of office of the United States attorney, the United States marshal, and the Federal Public Defender, for the District of New Jersey who are in office on the effective date of this Act, except that such individuals shall be the United States attorney, the United States marshal, and the Federal Public Defender, respectively, for the Northern District of New Jersey as of such effective date.

(2) APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and a United States marshal for the Southern District of New Jersey. The Court of Appeals for the Third Circuit shall appoint a Federal Public Defender for the Southern District of New Jersey.

(d) PENDING CASES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending in the United States District Court for the District of New Jersey on such date.

(e) JURIES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Judicial District of New Jersey on the effective date of this Act.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) APPOINTMENTS.—Notwithstanding subsection (a), the President and the Court of Appeals for the Third Circuit may make the appointments under section 3(c)(2) at any time after the date of the enactment of this Act.●

By Mr. COVERDELL:

S. 2260. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney, Georgia; to the Committee on Environment and Public Works.

THE LAKE SIDNEY LANIER HOME PRESERVATION ACT

Mr. COVERDELL. Mr. President, today I rise to introduce legislation that is of the utmost importance to a group of homeowners in my state. They face one of the most chilling scenarios that could confront a property owner—the condemnation and destruction of their home by the federal government without compensation.

The series of events that led to this unfortunate situation began nearly fifty years ago. In 1957, Lake Sidney Lanier was completed by the United States Army Corps of Engineers to serve as a reservoir for Atlanta and as a flood management project for northeast Georgia. Over the years this lake, located near the head of the Chattahoochee and Chestatee Rivers, developed into one of the great landmarks in my state. More importantly, many families have chosen to build homes on property adjacent to the lake.

When the lake is full, water rises to 1,071 feet above sea level. When the lake was completed in 1957, the Corps established a flood control easement, or ''flood line,'' of 1,085 feet above sea level. The Corps decreed that no structures could be built below this line. Unfortunately, the Corps did not make an accurate initial survey of this easement. Between 1967 and 1972, a second survey of the lake was made by foot, and beginning in 1983, yet another survey was begun to determine if private structures were violating the Corps easement. This survey is about halfway complete.

In the meantime, properties which were based upon the early surveys were sold to families looking to build a home along the lake. Many, if not all, of these home owners were unaware of this easement when they purchased property along the lake. Therefore, I believe many homes, which were believed to be compliant with all Corps property lines when constructed, in fact encroach upon the easement. No one is entirely sure how many of the thousands of homes along the lake accidentally encroach on the Corps' easement.

Last year, the Corps began enforcing the easement in some areas. They decreed that homes which violate the easement must be brought into compliance or be destroyed. Now, Mr. President, you and I know very well that it is very difficult to move a house. Therefore, destruction is often the only option for most home owners.

To make matters worse, property owners lack legal recourse. Because they were unaware of the easement requirement, means for dealing with it were not built into their property deeds. In short, numerous home owners face a dire situation should the Corps decide to enforce the easement all around the lake.

To solve this problem, today I introduce the Lake Sidney Lanier Home Preservation Act. It is both simple and fair. My legislation allows home owners who accidentally violated the easement to sign a release exempting them from the Corps requirement. In exchange for this, the home owner surrenders all rights to legal recourse against the United States if the Corps is forced to flood the lake to the easement level. At this point, I would like to point out that Lake Lanier has never approached the 1,085 foot easement line—its historic high was a full seven feet below the flood line, which was recorded in spring 1964. In recent years, the lake has been below full pool almost year round.

Upon enactment of this bill a home owner will have one year to request that the Corps survey their property and determine if they need to seek a waiver. The home owner not the Corps, pays for the survey. If a home is found to be in violation of the easement, the home owner has 90 days to decide whether to seek a release from the easement, or to bring the structure into compliance.

My bill also applies only to homes built or begun prior to January 1, 2000. This will provide closure to this issue and discourage any more homes from being built below the flood line.

Mr. President, I wish there were a simple answer to the dilemma facing home owners along Lake Lanier. While the Corps has a responsibility to fulfill its responsibility to protect citizens in the event of a flood, we simply cannot allow hard working families to lose their homes in response to a hypothetical situation that could never arise.

My colleague in the House of Representatives, Mr. DEAL, introduced companion legislation. It is my hope that we can move the Lake Sidney Lanier Home Preservation Act forward as quickly as possible, and bring peace of mind to home owners caught in a situation beyond their control.

By Mr. SARBANES (for himself, Mr. ROBB, Ms. MIKULSKI, Mr. BAYH, and Mr. LIEBERMAN):

S. 2261. A bill to encourage the formation of industry-led training consortia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INDUSTRY TRAINING CONSORTIA ACT

● Mr. SARBANES. Mr. President, today, along with several of my colleagues, I am introducing the Industry

Training Consortia Act to provide our nation's workforce with the information technology and computer skills it needs to meet the emerging and rapidly changing requirements of our various technology sectors. The purpose of this legislation is to assist our business sector in establishing a national technology training infrastructure to provide our workforce with the skills it requires to remain competitive in the global, high technology marketplace.

The United States is currently the world's science and technology leader. We have achieved this status largely because we have had the most skilled, innovative, and competitive workforce in the world. Indeed, technical innovation, according to a report by the President's Council of Economic Advisers, has been responsible for more than half of America's productivity growth over the past fifty years. But technology is evolving so rapidly that some of our workers are being left behind. If we fail to keep them honed and highly skilled we risk losing our competitive edge.

Having the appropriate information technology skills is becoming more and more important in all sectors of our economy, not only in the high and biotech industries and the manufacturing sector, but also in the so-called low-tech industries. More than half of the new jobs created between 1984 and 2005 require or will require some education beyond high school. The percentage of workers who use computers at work has risen from 25% to 46% between 1984 and 1993. Moreover, firms today are not only using more technology, but are also reorganizing production processes in new ways, such as cellular production, use of teams, and other high performance structures and methods requiring higher levels and new kinds of skills.

A growing number of industries throughout the country are reporting serious difficulties in hiring workers with appropriate computer and information technology skills. The Bureau of Labor Statistics has estimated that between 1998 and 2008 we will need 2 million more newly trained and skilled Information Technology workers. That's an average of 200,000 additional workers a year.

In my own State of Maryland, we currently face an estimated shortfall of 10–12,000 workers with appropriate technology skills. A Maryland Department of Business and Economic Development survey indicates that 80% of firms which hire manufacturing or skilled trade workers, reported significant difficulty in finding applicants with the required skills for technology intensive jobs. The same survey indicates that more than two-thirds of businesses hiring computer technicians, engineers, analysts, or other technical or laboratory personnel experienced difficulty finding qualified workers. It also mentions that fifty-five percent of firms that hire college-level scientists or technical program graduates reported the same difficulty and that 62% of these firms reported that their need for hiring these types of graduates is expected to increase over the next five years.

While well intentioned, many existing training programs across the country are not structured to address this problem head on, from the perspective of industry. And while some post-secondary training institutions have reached out to industry and become more customer-focused, more still must identify ways to respond directly to the changing skills needs of our employers. Our community colleges, and even four-year colleges and universities, cannot shoulder the entire burden of continually reassessing skill needs and providing up-to-date training and equipment with which to train workers in relevant knowledge and skills. Some colleges and universities have been able to establish partnerships with larger firms that have human resource departments, but building partnerships with small and medium-sized firms has proven more difficult.

Many firms, but particularly small and medium-sized enterprises, have limited capacity to engage in significant and sustained workforce development efforts. Managers and owners of most firms are simply too busy running their business to develop training systems, especially for new or dislocated workers. Firms also often lack information on what kind of training they need and where they can get it. As a result, most forego training initiatives and instead try to hire workers away from other companies in related fields.

And because workers are so mobile, individual employers are reluctant to bear the burden of training employees, whether they are new or incumbent workers, simply due to the likelihood that they will leave to work for a competitor. Without an adequate return on the investment for paying to train their employees, coupled with an increasingly competitive global marketplace, many larger companies have begun to cut back on their in-house training programs.

A unique approach, one flexible enough to address the fluctuations, transitions and emerging needs of our high technology economy is required. In order to train and educate new entrants to the workforce, workers dislocated by economic change, and workers already in the workplace facing increased demands for higher levels of technology related skills, we need an industry driven training infrastructure.

The legislation I am introducing would establish working groups across the country in which employers, public agencies, schools, and workers can pool resources and expertise to train workers for emerging job opportunities and jobs threatened by economic and technological transition. It will help develop targeted consortia of industry, workers and training entities across the country to assess where and what gaps exist and provide the skills that industry and workers require to remain competitive and on the cutting edge.

Specifically, it would authorize a grants program—to be overseen by the Department of Commerce, in consultation with the Department of Labor,—and provide up to a $1 million federal match, for every dollar invested by state and local governments and the private sector for these working groups. The Department of Commerce would be authorized to budget $50 million annually for this purpose and funds would be allocated through a competitive grants process, with each consortia of firms as applicants.

This legislation will allow industries to identify their own skills needs and build these consortia around their common requirements. Alliances would serve to harness the expertise of state and local officials, educational leaders, regional chapters of trade associations and union officials and pool the resources available among these entities. But each group would be predominantly made up of industry, and would be industry driven. Indeed, if we are going to address what is becoming a skills crisis in this country, our businesses must have a leadership role in establishing the means by which we continue to build and upgrade the skills of workers in technology related fields.

Smaller scale versions of the types of skills alliances which my legislation proposes to develop have already shown promise. In Wisconsin, metal-working firms have banded together with the AFL–CIO in a publicly sponsored effort that used an abandoned mill building as a teaching facility, teaching workers essential skills on state-of-the-art manufacturing equipment. Rhode Island helped develop a skills alliance among plastics firms, who then worked with a local community college to create a polymer training laboratory linked to an apprenticeship program that guarantees jobs for graduates. In Washington, DC telecommunications firms donated computers, and helped to set up a program to train public high school students to be computer network administrators and are now hiring graduates of the program at an entry-level salary of $25,000–30,000.

With these grants, this approach can grow and flourish. Each of these initiatives is an investment in our workforce for the 21st Century. If we are to truly transition the U.S. worker to a technology based economy, we must ensure that these best practice examples become standard practice. I urge my colleagues to join me in ensuring the swift enactment of this legislation. I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 2261

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 ''Industry Training Consortia Act''.

SEC. 2. DEFINITION.

In this Act:

(1) EMPLOYER.—The term ''employer'' includes a business.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, in consultation and coordination with the Secretary of Labor and the Administrator of the Small Business Administration, shall provide grants to eligible entities described in subsection (b). The Secretary shall provide the grants to encourage employers to form consortia to share the cost of providing, and reduce the risk of investing in, employer-led education and training programs for employees that meet employer needs and market demand in specific occupations, for purposes of strengthening United States competitiveness.

(b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not fewer than 10 employers (or nonprofit organizations that represent employers) who are in a common industry or who have common skill needs; and

(B) may consist of representatives from 1 or more of the following:

(i) Labor organizations.

(ii) State and local government agencies.

(iii) Education organizations.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives comprising the consortium shall be representatives described in paragraph (1)(A).

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. APPLICATION.

To be eligible to receive a grant under section 101, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 103. USE OF AMOUNTS.

(a) IN GENERAL.—The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to develop an employer-led education and training program (which may be focused on developing skills related to computer technology, computer-based manufacturing technology, telecommunications, and other information technologies) necessary to meet employer needs and market demand in specific occupations.

(b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for industry and other employers;

(B) development of a sequence of skill standards that are correlated with advanced industry or occupational practices;

(C) development of curriculum and training methods;

(D) purchase or receipt of donations of training equipment;

(E) identification of education and training providers;

(F) development of apprenticeship programs;

(G) development of education and training programs for incumbent and dislocated workers and new workers;

(H) development of the membership of the entity;

(I) development of internship, field, and technical project experiences; and

(J) provision of assistance to member employers in their human resource development planning.

(2) ADDITIONAL REQUIREMENT.—In carrying out the program described in subsection (a), the eligible entity shall—

(A) provide for development and tracking of performance outcome measures for the program and the education and training providers involved in the program; and

(B) prepare and submit to the Secretary such reports as the Secretary may require on best practices developed by the entity through the education and training program.

(c) ADMINISTRATIVE COSTS.—The eligible entity may use not more than 10 percent of the amount of such a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 104. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees that—

(1) the entity will make available non-Federal contributions toward the costs of carrying out activities under section 103 in an amount that is not less than $2 for each $1 of Federal funds provided under a grant under section 101; and

(2) of such non-Federal contributions, not less than $1 of each such $2 shall be from employers with representatives serving on the eligible entity.

SEC. 105. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the funds made available to carry out this title—

(1) to pay for Federal administrative costs associated with making grants under this title, including carrying out activities described in section 106; and

(2) to develop and maintain an electronic clearinghouse of information on industry-led training consortia programs.

SEC. 106. INFORMATION AND TECHNICAL ASSISTANCE.

The Secretary shall distribute information and provide technical assistance to eligible entities on best practices developed through the education and training programs.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 2001, 2002, and 2003.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Labor, shall provide grants to States to enable the States to assist employers, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

To be eligible to receive a grant under section 201, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 201 to a State unless such State agrees that the State will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under a grant under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 2001.●

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mrs. HUTCHISON):

S. 2264. A bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes; to the Committee on Veterans' Affairs.

RECOGNITION OF PHYSICIAN ASSISTANTS IN THE DEPARTMENT OF VETERANS AFFAIRS ACT OF 2000

● Mr. ROCKEFELLER. Mr. President, I am proud to introduce today the ''Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000,'' which I am delighted to cosponsor with Senators JEFFORDS and HUTCHISON. The bill before us would establish within the Veterans Health Administration an advisory position on physician assistants—an action long overdue.

It is baffling to me that the VA—the largest single employer of physician assistants in the country—does not provide direct representation for physician assistants. VA has nearly 1,200 physician assistants working in hospitals and clinics, yet VA is the only federal health care agency that does not have a physician assistant in a leadership role. Skimming through the VA phone directory, we find much needed representation for social workers, dentists, audiologists and speech pathologists, nutritionists, recreational therapists, and nurses. Physician assistants, however, are hidden within the bailiwick of the Chief Consultant for Primary and Ambulatory Care.

This lack of physician assistant leadership has translated into a lack of knowledge about the profession at the national level—which, in turn, has filtered down to the local level. For example, the scope of practice for physician assistants is not uniformly understood in all VA medical facilities and clinics. Practitioners in the field also report confusion regarding such issues as privileging, supervision, and physician countersignature. Some facilities unnecessarily restrict the ability of physician assistants to provide medical care, while others will not hire physician assistants. The unfortunate consequence of these restrictions is to limit veterans' access to quality medical care.

In June 1997, the final report of a work group to explore internal practice barriers for Advanced Practice Nurses,

Clinical Pharmacy Specialists, and Physician Assistants was issued. To date, we have seen no response regarding what VA plans to do to implement the recommendations contained in the report.

Although the work group's report does not contain a specific recommendation for an advisory position, the report clearly states that ''many times unnecessary, inappropriate restrictions have been placed on their [PAs] practice.'' An advisor would be especially helpful in clarifying all issues associated with the profession, including education, qualifications, clinical privileges, and scope of practice. I firmly believe that such an advisor is the key to removing barriers to greater use of these valued health care professionals. I also encourage VA to move ahead with the other recommendations contained in the work group report.

I personally understand the huge importance of physician assistants. My own state of West Virginia is highly dependent upon their expertise. We count on them to provide quality health care in a cost-effective way.

In closing, I thank the Veterans Affairs Physician Assistants Association, which has always provided me with the most up-to-date information about the state of the physician assistant profession. I hope the Committee on Veterans' Affairs will work expeditiously to pass this bill out of committee. Physician assistants—and their patients—are depending upon it.

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. 2264

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 ''Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000''.

SEC. 2. ESTABLISHMENT OF POSITION OF ADVISOR ON PHYSICIAN ASSISTANTS WITHIN OFFICE OF UNDERSECRETARY FOR HEALTH.

(a) ESTABLISHMENT.—Subsection (a) of section 7306 of title 38, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) The Advisor on Physician Assistants, who shall carry out the responsibilities set forth in subsection (f).''.

(b) RESPONSIBILITIES.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Advisor on Physician Assistants under subsection (a)(9) shall—

''(1) advise the Under Secretary for Health on matters regarding the optimal utilization of physician assistants by the Veterans Health Administration;

''(2) advise the Under Secretary for Health on the feasibility and desirability of establishing clinical privileges and practice areas for physician assistants in the Administration;

''(3) develop initiatives to facilitate the utilization of the full range of clinical capabilities of the physician assistants employed by the Administration;

''(4) provide advice on policies affecting the employment of physician assistants by the Administration, including policies on educational requirements, national certification, recruitment and retention, staff development, and the availability of educational assistance (including scholarship, tuition reimbursement, and loan repayment assistance); and

''(5) carry out such other responsibilities as the Under Secretary for Health shall specify.''.●

Mr. JEFFORDS. Mr. President, I am pleased to join Senators ROCKEFELLER and HUTCHISON in the introduction of the Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000. This legislation will establish a position of advisor on physician assistants within the office of the Undersecretary of Health for Veterans Affairs.

Physician assistant are very valuable members of the VA health care delivery team. But unlike most components of the team, physician assistants have no representative within the VA's Office of the Undersecretary for Health. As the largest employer of physician assistants in the country, the VA will be establishing important precedents as the role of physician assistants evolves over the coming decade. Physician assistants must be part of the discussion and represented at the level where key health care delivery decisions are made.

An advisory position would be established by this legislation to inform the Undersecretary for Health on such matters as optimal utilization of physician assistants by the VA, the advisability of establishing clinical privileges and practice areas, the development of appropriate educational requirements and certification criteria, and other matters.

This representation is critically important at this time. As the VA moves toward Medicare Subvention and the requisite billing expertise, questions will continually arise surrounding the role of physician assistants. There must be consistent input on these matters directly from physician assistants.

I urge my colleagues to carefully consider this legislation and I hope it is quickly enacted into law.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. LOTT, Mr. BROWNBACK, Mr. BINGAMAN, Mr. GRAMM, Mr. THOMAS, and Mr. INHOFE):

S. 2265. A bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes; to the Committee on Finance.

MARGINAL WELL PRESERVATION ACT OF 2000

Mrs. HUTCHISON. Mr. President, I am pleased today to introduce with my colleague from Louisiana, Senator BREAUX, and the other cosponsors of the bill, the Marginal Well Preservation Act of 2000. This bill represents a necessary and workable proposal to ensure that the United States does not lose even more of its domestic energy production and to help prevent the further escalation of gasoline, diesel, and home heating oil prices for consumers.

Mr. President, just a few days ago, on March 18, President Clinton announced his support of a number of provisions to respond to the recent spike in oil and gasoline prices in America. Among the issues to which he referred, I was most pleased and surprised to hear the president express his support for, quote, 'tax incentives . . . for domestic oil production,' enquote.

Well I for one welcome the President's long overdue endorsement of an issue that I and many other Senators have been promoting, discussing, and introducing legislation on for years. It is unfortunate that the President's newfound support for domestic oil production comes now, rather than a year ago when our domestic producers were being wiped-out by record low oil prices and when communities across Texas and other states were having their economic and tax base decimated. Nevertheless, I do welcome the president's comments, and I urge him to now turn those comments into action.

I publicly urge him and the Treasury Department to pledge to sign into law, and to urge Congress to pass, the bill we are introducing today. Called the Marginal Well Preservation Act of 2000, this bill borrows from legislation I introduced earlier this year to create incentives to keep marginal wells (those producing fewer than 15 barrels per day—and a corresponding level for natural gas) in production during times when oil and gas prices fall below break-even. The bill also contains provisions that the Administration explicitly endorsed over the weekend: the same-year deduction of geological and geophysical (exploratory) and delay rental costs associated with lease development. Taken together, these two provisions will help ensure a minimal level of protection for our nation's independent oil and gas producers and will help prevent America from becoming even more dangerously dependent on foreign oil.

Mr. President, in addition to the President's recent round of proposals, tt seems as if everyone these days has their own ''quick fix'' to address the recent spike in oil and gas prices. But regardless of what short term solutions may be proposed, as America slips further and further into dependence on foreign oil the volatility of oil and gasoline prices is almost certain to get worse. The only logical response to this crisis is to increase our domestic supply of oil and gas.

Much of the estimated 350 billion barrels of our domestic oil reserve lies not on public lands, but on private property where oil and gas production already occurs. Why isn't that oil and

gas being produced? The answer is that much of it is in small pockets and is relatively difficult to retrieve. Such ''marginal well'' production accounts for roughly 20 percent of our domestic oil production, or about as much as we import from Saudi Arabia.

But while these wells are critical to our energy security, they are the most susceptible to oil price crashes, like we saw during 1998 when oil fell below $10 per barrel. During this time we lost over 65,000 American jobs and over 150,000 marginal oil and gas wells. And despite the high price of oil today, the small, independent producers that own the majority of marginal wells cannot assume the economic risk of re-opening them because there is no assurance that the price of oil will not again fall in the near future (see enclosed article).

The Marginal Well Preservation Act will provide a tax credit of $3 per barrel for the first three barrels of production when oil falls to between $17 and $14 per barrel for oil, and a corresponding price for natural gas. This represents the average break-even price for these wells. In states like Texas, where marginal well tax incentives have been enacted, the result has been to keep thousands of wells open that would have been closed, and thousands of American jobs here that would have moved overseas. Such a tax credit at the federal level would reduce our dependence on foreign oil and help us meet our growing demand for natural gas.

If we were to enact the marginal well tax credit today, we would not only ensure a long-term safety net for producers, but we would also create an incentive today to re-open those shut-in wells. In fact, a reasonable estimate is that, within a reasonably short period of time, we could bring half, or 75,000 of those shut-in wells back into production. This would mean an addition of about 250,000 barrels of daily production. Given that America uses 19 million barrels of oil per day this may not seem like much, but when one considers just how tight the supply of oil is today, this relatively small increase in production could have a significant impact in the price of crude oil and oil products like gasoline and diesel fuel.

In addition, Mr. President, this bill brings the U.S. Tax Code in line with the present-day realities of the oil and gas industry by allowing oil and gas exploration (geological and geophysical) costs to be expensed rather than capitalized, and by allowing delay rental lease payments to be deducted in the year in which they are paid, rather than when the oil is actually pumped. The Administration's own endorsement of this measure, which I and others have been promoting for years, should mean it's quick enactment into law, and I hope that it does.

In fact, the Administration estimates that allowing the expensing of exploration costs alone could spur an additional daily production of 126,000 barrels, on top of the roughly quarter million barrels that the marginal well provision would bring back in the near-term. For those keeping score, that totals almost 400,000 barrels of added daily production that can conservatively be expected to result from the passage of this bill. But it must be done soon. We are quickly approaching a $2 per gallon nationwide price for gasoline, and we have not even entered the peak vacation driving season. Americans need relief now, and this bill will give it to them.

Mr. President, this legislation is long overdue, and I appreciate the support of Senator BREAUX and my other colleagues who are cosponsoring the bill. Most importantly, I urge the President and my other colleagues in the Senate, particularly those from non-energy producing states, to join with us in supporting this effort. High prices and low prices are two sides of the same coin, and it is high time we realize that. Price dives are as detrimental to producers as price spikes are to consumers.

We can break this cycle, and we can do it now by passing the Marginal Well Preservation Act.

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. 2265

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Marginal Well Preservation Act of 2000.''

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) PURPOSE.—The purpose of this section is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States.

(b) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.''

''(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following new paragraph:

''(13) the marginal oil and gas well production credit determined under section 45D(a).''

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the marginal oil and gas well production credit'' after ''employment credit''.

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.''

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there''.

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

''Sec. 45D. Credit for producing oil and gas from marginal wells.''

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 3. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) PURPOSE.—The purpose of this section is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(b) ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—

(1) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

''(j) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''

(2) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(j),'' after ''263(i),''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to expenses paid or incurred after the date of the enactment of this Act.

(B) TRANSITION RULE.—In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by this subsection, which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the suspended portion of any expense is that portion of such expense which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

(c) ELECTION TO EXPENSE DELAY RENTAL PAYMENTS.—

(1) IN GENERAL.—Section 263 (relating to capital expenditures), as amended by subsection (b)(1), is amended by adding at the end the following new subsection:

''(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring the drilling of an oil or gas well under an oil or gas lease.''

(2) CONFORMING AMENDMENT.—Section 263A(c)(3), as amended by subsection (b)(2), is amended by inserting ''263(k),'' after ''263(j),''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to payments made or incurred after the date of the enactment of this Act.

(B) TRANSITION RULE.—In the case of any payments described in section 263(k) of the Internal Revenue Code of 1986, as added by this subsection, which were made or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such payments over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the suspended portion of any payment is that portion of such payment which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 483

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 483, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 542

At the request of Mr. ABRAHAM, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 546

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 577

At the request of Mr. HATCH, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1142

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1459

At the request of Mr. MACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1465

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1465, a bill to provide for safe schools, and for other purposes.

S. 1551

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1551, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 1642

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1909

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2013

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2046

At the request of Mr. FRIST, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2046, a bill to reauthorize the Next Generation Internet Act, and for other purposes.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2124

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2124, a bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr.

COVERDELL) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2196

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2196, a bill to reliquidate certain entries of tomato sauce preparation.

S. 2218

At the request of Mr. CLELAND, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Michigan (Mr. ABRAHAM), the Senator from Arizona (Mr. KYL), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. Con. Res. 81, concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. CON. RES. 96

At the request of Mr. SARBANES, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 96, concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month''.

S. RES. 263

At the request of Mr. ASHCROFT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries (''OPEC'') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

SENATE CONCURRENT RESOLUTION 97—EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS; CONSIDERED AND AGREED TO

Mr. REED (for himself, Mrs. MURRAY, and Mr. SMITH of New Hampshire) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 97

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2,000,000 over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9,000,000,000;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

SENATE RESOLUTION 276—TO EXPRESS THE SENSE OF THE SENATE THAT THE CONFEREES ON THE VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT SHOULD SUBMIT THE CONFERENCE REPORT ON THE BILL BEFORE APRIL 20, 2000, AND INCLUDE THE GUN SAFETY AMENDMENTS PASSED BY THE SENATE

Mr. REED (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Resolved, That it is the sense of the Senate that the conferees on H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, should complete and submit the conference report before April 20, 2000, and include in the conference report the amendments passed by the Senate seeking to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

AMENDMENTS SUBMITTED

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

KERREY AMENDMENT NO. 2885

Mr. KERREY proposed an amendment to the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; as follows:

At the end add the following:

SEC. . REDESIGNATION OF TERM FOR AGE AT WHICH AN INDIVIDUAL IS ELIGIBLE FOR FULL, UNREDUCED OLD-AGE BENEFITS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by striking ''retirement age'' each place it appears and inserting ''the age of eligibility for full, unreduced old-age benefits'';

(2) by striking ''early retirement age'' each place it appears and inserting ''the age of earliest eligibility for old-age benefits''; and

(3) by striking ''delayed retirement'' each place it appears and inserting ''delayed entitlement for old-age benefits''.

(b) CONFORMING AMENDMENT.—Section 202(q)(9) of the Social Security Act (42 U.S.C. 402(q)(9)) is amended by striking ''early retirement'' and inserting ''early entitlement for old-age benefits''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

ROTH (AND MOYNIHAN) AMENDMENT NO. 2886

Mr. ROTH (for himself and Mr. MOYNIHAN) proposed an amendment to the bill, H.R. 5, supra; as follows:

Strike all after the first word and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Senior Citizens' Freedom to Work Act of 2000''.

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking ''the age of seventy'' and inserting ''retirement age (as defined in section 216(l))'';

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking ''the age of seventy'' each place it appears and inserting ''retirement age (as defined in section 216(l))'';

(3) in subsection (f)(1)(B), by striking ''was age seventy or over'' and inserting ''was at or above retirement age (as defined in section 216(l))'';

(4) in subsection (f)(3), by striking ''age 70'' and inserting ''retirement age (as defined in section 216(l))'';

(5) in subsection (h)(1)(A), by striking ''age 70'' each place it appears and inserting ''retirement age (as defined in section 216(l))''; and

(6) in subsection (j)—

(A) in the heading, by striking ''Age Seventy'' and inserting ''Retirement Age''; and

(B) by striking ''seventy years of age'' and inserting ''having attained retirement age (as defined in section 216(l))''.

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

''(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).''.

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking ''and (8)(D),'' and inserting ''(8)(D), and (8)(E),''.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking ''nor shall any deduction'' and all that follows and inserting ''nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.''; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: ''(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,''.

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking ''or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit'' and inserting ''or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled ''Oversight of HCFA's Settlement Policies: Did HCFA Give Favored Providers Sweetheart Deals?'' This hearing is part of the Subcommitttee's continuing examination of the Medicare program and will examine settlements between the Health Care Financing Administration (''HCFA'') and certain Medicare providers and whether these settlements conform to HCFA regulations.

The hearing will take place on Tuesday, March 28, 2000, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact K. Lee Blalack II of the subcommittee staff at 224–3721.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, March 28, 2000 at 2:30 p.m. before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Thursday, April 6, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing is to receive testimony on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Foreign Relations. The hearing is titled: ''America at Risk: U.S. Dependency on Foreign Oil.''

The hearing will take place on Tuesday, March 28, 2000 at 3:00 p.m. in room SH–216 of the Hart Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources or the Committee on Foreign Relations.

For further information, please call Trici Heninger or Howard Useem at (202) 224–7875.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy Research, Development, Production, and Regulation.

The hearing will take place on Friday, March 31, 2000 at 9:00 a.m. in room SH–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to review the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky and to receive testimony regarding the Department of Energy's plans for cleanup at the site.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production, and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For futher information, please call Trici Heninger, Staff Assistant or Colleen Deegan, Counsel at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m., in open session to consider the nominations of the Honorable Rudy de Leon to be Deputy Secretary of Defense and Mr. Douglas A. Dworkin to

be general counsel of the Department of Defense.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m. on impact of interactive violence on children.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 2:30 p.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on E-Drugs, Who Regulates Internet Pharmacies? during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 10:30 a.m. to conduct a hearing on S. 2102, a bill to establish a permanent homeland for the Timbisha Shoshone. The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, to markup the SBA and SBIR Reauthorization bills and other pending legislation. The meeting will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on emerging threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 2:30 p.m., in open session to receive testimony on the Defense Science and Technology Program, in review of the defense authorization request for fiscal year 2001 and the future years Defense program.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 10:00 a.m. To hold a hearing.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, to conduct a hearing on ''HUD's Public Housing Assessment System.''

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Tuesday, March 21, 2:00 p.m., to conduct a hearing on the current status of cleanup activities under the Superfund program.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, March 21, 10:00 a.m., to conduct a hearing on GSA's FY 2001 Capital Investment and Leasing Program, including the courthouse construction program.

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

MEASURE READ THE FIRST TIME—S. 2262

Mr. BROWNBACK. Mr. President, I understand S. 2262 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2262) to amend the Internal Revenue Code of 1986 to institute a Federal fuel tax holiday.

Mr. BROWNBACK. Mr. President, I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 2263

Mr. BROWNBACK. Mr. President, I understand S. 2263 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2263) to amend the Internal Revenue Code of 1986 to institute a Federal fuel tax holiday.

Mr. BROWNBACK. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 97 introduced earlier today by Senator REED.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 97) expressing the support of Congress for activities to increase public awareness on multiple sclerosis.

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

Mr. REED. Mr. President, this resolution expresses the support of Congress for activities that will raise public awareness of multiple sclerosis.

Multiple sclerosis (MS) is a chronic, often disabling disease of the central nervous system. Symptoms can range from mild numbness in the limbs to paralysis and blindness. Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional effects of this debilitating disease can be lifelong. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are giving hope to those affected by the disease. It is known that MS afflicts twice as many women as men, however, once an individual is diagnosed with MS, their symptoms can be effectively managed and complications avoided through regular medical care.

Nationally, it is estimated that between 250,000 and 350,000 individuals suffer from MS, which is approximately 1 out of every 1,000 people. In Rhode Island, the rate is slightly higher—1.5 out of every 1,000. Over 3,000 individuals and their families in my home state are affected by this disease.

It is my hope that through this resolution we can bring greater attention to the devastating effects of this disease, while also building support for additional research. It is through more

intensive research efforts by agencies such as the National Institutes of Health that we will better understand some of the potential causes of this disease, as well as develop more effective methods of treatment, and maybe someday prevention. Indeed, it is only with greater resources that we can build public awareness about MS and enhance our scientific understanding of this mysterious illness.

I take this opportunity to express my sincere gratitude to the National Multiple Sclerosis Society as well as the Rhode Island Chapter of the Multiple Sclerosis Society for their encouragement and assistance in developing this important Resolution. It is through their grassroots efforts that individuals suffering from MS can get information about their disease as well as learn more about resources available in their communities, research being conducted, and support services for family members. Their support is essential to those who have been afflicted with MS, and I hope that through this resolution the Congress can assist in bolstering these important efforts.

In closing, I encourage my colleagues to join me in supporting this important resolution to raise awareness and encourage people to become more educated about this debilitating disease.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 97) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 97

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2,000,000 over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9,000,000,000;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

ORDERS FOR WEDNESDAY, MARCH 22, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Wednesday, March 22. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately begin the final debate on H.R. 5, the Social Security earnings legislation.

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

PROGRAM

Mr. BROWNBACK. For the information of all Senators, at 9:45 a.m., the Senate will immediately begin the final 15 minutes of debate on the Social Security earnings bill. Following the use or yielding back of that time, the Senate will proceed to vote on final passage of the bill. Therefore, Senators may expect the first vote for tomorrow at approximately 10 a.m.

Following the vote, I ask unanimous consent that the Senate begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BYRD for the first 10 minutes, to be followed by Senator MURKOWSKI or his designee for 60 minutes, to be followed by Senator DURBIN or his designee for 50 minutes.

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

Mr. BROWNBACK. If an agreement regarding the crop insurance legislation can be made, it is expected that the Senate will begin its consideration as early as tomorrow afternoon. If no agreement can be made, the Senate may turn to any Legislative or Executive Calendar items available for action.

ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator LAUTENBERG.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the 5-minute rule presently in place for morning business be extended for me to complete my remarks.

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

GUN CONTROL LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise now in strong support of a resolution offered by my colleague, Senator JACK REED of Rhode Island. At the same time, I commend him for all of his hard work in support of gun safety measures.

We are soon approaching an anniversary. Most anniversaries have a happy ring to them—wedding anniversaries, birthdays are often called an anniversary. Those are pleasant moments. But the anniversary we are talking about now is one we will remember for decades to come. It is the anniversary of a mammoth American tragedy.

It is only 31 days until April 20, 2000, the 1-year anniversary of the terrible tragedy at Columbine High School in Colorado. We all remember that awful day almost a year ago. Across the Nation, people saw and heard the shocking news reports. Two students had stormed into their school and systematically shot and killed 12 classmates and a teacher. They also wounded 23 other students and teachers.

It makes me shudder when I recall the bloody carnage of that day. I had to shake my head in disbelief that this outrage could be committed in a school. No parent and no grandparent could avoid thanking goodness for the safety of their own families when they saw the horrors of those moments.

Those innocent, young people, full of life, running, scared, desperate, trying to get away from the gunmen—the image of the young man hanging out of the window trying to reach safety.

We thought that incident, that tragedy, would finally wake up Congress. That Congress would say: Let's end this; let's do what we can to stop this. And here, almost a year later, since that tragic moment, the American people have an obligation and a right to ask: What has Congress done to prevent another tragedy? How has Congress answered the cries and pleading of parents and grandparents who want to protect their children? What has Congress done to protect other families from gun violence? I ask the question and I will give the answer: Absolutely nothing. And it is a disgrace.

I and some of my colleagues have tried. During the debate on the juvenile justice bill, the Senate passed several gun safety measures, including my amendment to require criminal background checks at gun shows. It was a very close vote, a 50–50 tie. The Vice President, in his role as President of the Senate, came in to break the tie. And with that vote the Senate passed my measure to require background checks at gun shows. But still Congress has not completed action on that legislation, despite the support of organizations that we all know and agree with when it comes to law enforcement, groups endorsing the Senate-passed gun safety amendments, such as the International Association of Chiefs of Police, the International Brotherhood of Police Officers, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, and others. They all ask why we can't do something about controlling gun violence in our society.

We tried. I remind my colleagues that the gun show loophole amendment had bipartisan support. I was pleased to have that support from our friends on the other side of the aisle, people such as Senators DEWINE, FITZGERALD, LUGAR, VOINOVICH, WARNER, and Chafee, who is no longer with us. They all voted for my amendment.

And the juvenile justice bill, with the gun safety amendments, passed by a vote of 73–25. So there was strong, bipartisan support for moving forward on juvenile crime and trying to reduce gun violence. But that was back on May 20 of last year, 10 months ago. We have to look at what has happened since then.

The shootings haven't stopped. Most recently, there was a 6-year-old shot by a classmate in Michigan. There was another shooting spree near Pittsburgh, where five people were shot and three died when a gunman opened fire on a McDonald's and a Burger King.

There have been more shootings, from Fort Gibson, OK, to Los Angeles, CA, where a gunman opened fire at a daycare center. We all remember the little children being led from a day school—holding a policeman's hands. They were being led away from someone who would later kill a postal worker because he had a different complexion than the killer. And there was also Fort Worth, TX, where young people at a prayer meeting were assaulted by a gunman. It has been one shooting after another. And these tragedies demonstrate that unless all communities are safe from gun violence, no community is safe from gun violence.

But while the vast majority of Americans want Congress to act, there is one special interest that says, no, the status quo is more than enough. The National Rifle Association has worked with its allies in this body and in the House of Representatives to block legislation every time it comes up. The same old reaction. Every time Congress wants to pass gun safety laws, the NRA calls on its friends to prevent progress.

Recent statements from the NRA show how desperate and extremist they have become. A man named Wayne LaPierre, the NRA executive vice president, attacked President Bill Clinton. He said that President Clinton was ''willing to accept a certain level of killing to further his political agenda.'' That comment is outrageous, insulting, reckless, and irresponsible. But Mr. LaPierre didn't stop there. He also accused President Clinton of having ''blood on his hands'' because of the shooting of the basketball coach, Ricky Byrdsong. Just when you thought the NRA could not go any lower, they managed to do it.

The NRA is so wrong because, in that case, it was the State authorities who failed to pursue and prosecute Ricky Byrdsong's killer when he failed the background check. These painful comments are an outrage, and Mr. LaPierre and the whole organization, the NRA, ought to apologize to Mrs. Byrdsong.

The NRA is out of touch with the American people. Look at the polls. There is overwhelming support for common sense gun safety measures. The American people are pleading with Congress to reduce gun violence. And they want to close the gun show loophole that permits unidentified buyers from getting guns without a background check. If you have money in your pocket, you can walk out with a gun at your waist. You could be one of the 10 most wanted criminals in all America, or one of the terrorists from abroad whose names have become legendary, and you could buy guns at these gun shows from unlicensed dealers—no questions asked. Who are you? What is your name? Where do you live? Have you had a bad record? No, not one question is asked.

But the NRA attacks are nothing new. They constantly spout careless rhetoric. Some of my colleagues, and many other people, will remember when the NRA went after Federal law enforcement officials, calling them ''jack-booted thugs.'' That comment resulted in President Bush's resignation from the NRA.

Now we have heard—I listened to it myself on a recent TV broadcast—Charlton Heston, who ought to know better, defending the reckless attacks on President Clinton. And on the NRA web site you even see more rhetoric about the Holocaust that took 6 million people to their death. It says that if the Jews had their weapons with them, it would not have happened. What an outrageous and insulting thing to say. Six million Jews were put in gas chambers, put in trains, and systematically killed. The entire Nazi government and communities across Europe—scientists, doctors, and teachers, all organized to put these people and 8 million more to their death. The NRA drops a casual remark like that and says maybe if they were allowed to carry weapons, or if they didn't have them taken away from them, they could have saved themselves. They are talking about kids who were 6 years old and babies who were thrown from trucks. They could have prevented it if they only had a chance to continue owning weapons.

While that rhetoric is the most outrageous, there is more phony rhetoric coming from the NRA. The NRA says that all we need to do is enforce the laws we have on the books. Another outrageous, loose statement. The argument ignores the fact that the number of Federal firearms cases prosecuted by U.S. attorneys increased 25 percent, from 4,754 in 1992 to 5,500 in 1999.

So the NRA's suggestion that law enforcement is not fighting gun crimes is just false rhetoric. They will say anything they want to if they feel it can help make their case. But they are not convincing the American people that everybody who wants to have a gun should get it in minutes. They say that 24 hours is more than enough time. But the FBI is trying to track down people who escaped the requirement for a thorough background check because there wasn't enough time to get it done. During the first year of the National Instant Criminal Background Check System, there were 3,849 occasions where three business days went by and the gun transfer had to be allowed, but the FBI later received information that the transfer was to a prohibited person. In other words, even three business days is not long enough.Z! EXT .094 ...SENATE... G21MR6 PERSONAL COMPUTERJ079060-G21MR6-094-*****-*****--Name: -Payroll No. -Folios: -Date: -Subformat:

And the NRA rhetoric also completely misses the point when it comes to gun shows. The problem with gun shows is there is no law to enforce. There is one giant loophole.

As I said earlier, someone on the FBI's Ten Most Wanted list can go to a gun show and buy a firearm from a nonlicensed dealer with no questions asked. The only questions are: How many guns do you want and do you have the money? That is the transaction. It is as simple as that—handguns, assault weapons, you name it; all kinds. This isn't an enforcement issue. There is no background check requirement to enforce.

The NRA and its friends are out of touch with the American people. Even

a major gun manufacturer, Smith & Wesson, said we need to do more on gun safety. The company reached an agreement with the Administration that will incorporate many of the measures stalled in the conference committee on juvenile justice—background checks at gun shows, child safety locks, and preventing the use of ammunition clips with more than ten rounds.

For the benefit of those who do not work around here, a conference committee is comprised of a committee of the Senate and a committee of the House, both with jurisdiction over particular issues. They sit down and hammer out differences in legislation. The conference committee on the juvenile justice bill has met just once, in August of last year. It has done nothing for months because the NRA and its friends—some of them here and some of them across the Capitol in the House—don't want any gun safety measures to pass Congress.

Despite that, the American people are demanding something be done. We have to move this conference. We want background checks at gun shows. We want child safety locks. We want to prevent the use of ammunition clips with more than 10 rounds. It is ridiculous that Congress is behind gun manufacturers on gun safety.

We want to stop the phony rhetoric and get on with the job. And the American people should remind their Senators and their Congresspeople that they are demanding safety from guns for their children, their households, and their families.

I hope the word goes out across this country that there is time now to start making changes to reduce gun violence. We ought to get on with the job. We have to stop the verbal attacks on law enforcement. We have to stop the excuses. The conference committee should complete its job. The American people should demand nothing less.

I support Senator REED's resolution and I hope many of my colleagues will vote for it. And we must show the American people that we have the backbone and the spine in this body to stand up to the NRA and campaign contributions from its political action committee.

Listen to the voices of the American people. Listen to the cries of anguished parents who run to the schoolhouse hoping their child was not one of those who are listed as dead or wounded. Listen to the mothers who will march to Washington on Mother's Day—there may be a million rallying across the country—and say: for God's sake, please help me protect my child from violence. There is no more important or urgent plea than that. It must get through these walls. The American people can't understand Congress' failure to pass gun safety measures. I can't understand it and I work here every day.

We must complete action on gun safety before April 20, 2000, the one year anniversary of the tragedy at Columbine High school. We cannot allow a year to pass with nothing done except people visiting cemeteries to see where their children are buried.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE FEDERAL RESERVE

Mr. DORGAN. Mr. President, I understand the Senate is about to adjourn for the day. I was not going to come to the floor. Then I thought I would not sleep much tonight if I didn't come to the floor and say what I think ought to be said about the Federal Reserve Board. Again, today in secret downtown they increased interest rates for the fifth time in a relatively short period of time.

Will Rogers once said—and it is probably good to quote him in this room, where we used to have spittoons all across the Senate, I understand, well before I came here—''When there is no place left to spit, you either have to swallow your tobacco juice or you have to change with the times.''

That is something the Federal Reserve Board would not understand.

The fact is, they met today again in secret behind closed doors, as they always do, because it is the last dinosaur left in this town. Everything else is relatively open. But the Federal Reserve Board meets in secret. They decided to do so again today. They decided to increase interest rates once again.

The last five interest rate increases, including this one today, mean that every family in America, on average, will pay an additional $440 in interest charges this year. That is a tax on every American family. That was imposed on the shoulders of every American family, with no debate and no discussion. It was done in secret by the bankers down at the Federal Reserve Board.

Just because I feel so kindly about the role they played, I figured I should show the American people at least who they are. As I have in the past, I provided their pictures, their salaries, and their education.

Of course, if you put them all into a barrel and rolled them around, it wouldn't matter which was on the top; they still look the same. They still have the same education, they still make about the same amount of money, and they apparently still think the same. They all think this country is growing too fast, and they think there are too many people working. So they view themselves as a set of human brake pads whose design it is to slow down the American economy.

The problem with that is, there is no evidence to support what the Federal Reserve Board has done today. Worker productivity is up. It is up substantially. The Consumer Price Index with respect to the core inflation rate and the Producer Price Index with respect to the core rate are not showing what the Federal Reserve Board is looking for; that is, a new wave of inflation in the American economy. In fact, inflation is well under control and the productivity of the American workers continues to rise.

According to the Federal Reserve Board's own ''beige book,'' which is what they call it, wage pressures have actually eased in some parts of the country since late last year. Last year, productivity in this country rose by 3 percent. The final quarter of 1999 saw productivity increasing 6.4 percent, the largest rise in seven years. This surge of productivity by American workers pushed down unit labor costs by a 2½ percent annual rate.

The question is, Why does the Federal Reserve Board not want to allow workers who are more productive to share in this country's prosperity? Why is it the central bankers are desperately afraid of having folks who work on assembly lines, and are more productive for doing it, get a wage increase or a salary increase? The first sight of that and the Fed has an apoplectic seizure and decides it wants to tax every American with higher interest rates.

I read the other day about a fellow named Walt Frazier. The Fed ought to invite Walt to town and bring him into their mahogany room before they close the door. The Washington Post wrote a story about Walt Frazier. Walt is a live chicken hanger. He works in one of these chicken processing plants. The live chicken hanger is the fellow in the front end of the room who pulls chickens by their feet and hangs them as they go around through the throat slasher and the other processes, and at the back end comes out a chilled, packaged chicken that goes to the store. Walt is a chicken hanger at the front end.

The shift he works begins at 5:48 in the morning. He is done at 2:18 p.m. in the afternoon. He grabs a live chicken every 2 seconds and puts that live chicken on a hanging machine that circulates. He lifts and hangs 10,000 chickens a day, the Washington Post said. That is 2½ tons of wiggling, fighting, clawing flesh. Walt works on the line. Do you know what Walt makes? For 20 years he has done that. He makes $8.88 an hour or $18,470 a year. He had a couple of operations on his wrists because grabbing live chickens in a chicken plant means you get clawed, scratched, and beat up.

The point about mentioning Walt Frazier is he is one of the folks who works in the chicken plant. He is more productive because of machinery and other things, but the Federal Reserve Board doesn't want to look at folks

who are working in those circumstances who, because they are more productive, ought to be able to earn more money.

The Federal Reserve Board says: No, we don't want America to show greater gains for workers. We worry about that. We think that is inflationary.

So what do they do? They keep slapping on new interest charges. It is a classic fight we have had over the past two centuries between those who finance production and those who produce and work in production. Those who finance have great friends at the Federal Reserve Board. The gold stars are the folks on the Open Market Committee who today helped the Fed Board of Governors decide that the American families ought to pay higher interest charges. The American people had no say. But the Federal Reserve Board did it because they tilt their policies toward the big money center banks and against the interests of working folks in this country.

I say once again, as I have said on other occasions, the Federal Reserve Board could use a good dose of common sense. We have two vacancies. I have said repeatedly one ought to go to my Uncle Joe. My Uncle Joe used to fix generators and alternators in his garage. He worked with his hands and knows something about running a small business. None of these people on the Federal Reserve Board appear to understand the consequences of slapping $440 in additional interest charges on the American people. They can afford it. They are not worried about the effects of those working for a living on the assembly line who are trying to be more productive and who expect as a result of being more productive to get more income.

The Federal Reserve Board is interested in money center banks. They see inflation under every cover and under every bed. Every moment they see new waves of inflation. I say to the Federal Reserve Board: You are wrong again. You have been wrong, wrong, wrong. Go back about 5 years and tell the American people what you said then: If unemployment falls below 6 percent, we will have more inflation.

Unemployment has been below 6 percent for more than 5 years and inflation is down. Federal Reserve Board, tell the American people what you said about growth: If the country grows at greater than 2½ percent, there will be greater inflation.

It has grown faster than that and the inflation rate has gone down. They have been wrong, wrong, wrong.

Because they have the ability in secret to impose the added burdens and charges on the American people's shoulders, they do so, but that does not make it right.

Will Rogers said: When there is no place left to spit, you better change with the times. This Federal Reserve Board is tinkering with the economy, which could well injure the economy, an economy which has produced many months of sustained economic growth. American workers deserve the opportunity to share in the benefits of that growth. I hope the Fed will think better of this strategy. It is the wrong strategy for this country.

It is, if nothing else, therapy for me to say it because no one can have any impact on this board. It does what it does and says what it says with total impunity. Some day I hope that the Board of Governors and the presidents of the regional Fed banks, who have tilted their policy so in favor of money-centered banks, will actually consider the interests of working people in this country.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the Senate stands in adjournment until 9:45 a.m. Wednesday, March 22, 2000.

Thereupon, the Senate, at 6:16 p.m., adjourned until Wednesday, March 22, 2000, at 9:45 a.m.