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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 5 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, the very time of the day of this opening of the Senate puts an exclamation point to our prayer for Your help in the negotiations between the Congress and the President. As nature abhors a vacuum, You deplore deadlocks that debilitate progress. We know that when we seek Your problem-solving power, there are no unresolvable differences. Nothing is impossible with You. And yet You have ordained that we must ask for Your intervention. Then mysteriously You work in the minds and hearts of all in-

volved to discover solutions and compromises that will bring resolution to the conflicts of wills as well as differences about what is best for our Nation.

We humbly confess our need for You, Lord. Times like these put intensity and intentionality into our motto, "In God We Trust." We do trust in You, Lord. Give all involved in this present conflict the desire to set aside political advantages. You have promised that if we pray with complete trust, You will accomplish what seems to be humanly impossible. Thank You for hearing our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS, a Senator from the State of Alabama, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator SESSIONS is recognized.

SCHEDULE

Mr. SESSIONS. On behalf of the majority leader, I note that today the Senate will be in a period of morning business until 7 p.m., with Senators DOMENICI and REID in control of the time. A vote on a continuing resolution

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

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



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that funds the Government until tomorrow morning will occur at 7 p.m. Senators should be aware that votes on continuing resolutions are expected each day. Senators should also be aware that multiple votes could occur each day starting tomorrow. Negotiations are ongoing, and it is still hoped that agreements can be made to wrap up the 106th Congress prior to the elections.

I thank my colleagues for their attention.

Mr. REID. Mr. President, if I could ask a question of the acting majority leader.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair. I am wondering if the Senator from Alabama would check with the majority leader to give us some idea of when he is planning to come in tomorrow; he is planing multiple votes. Numerous people have been calling and asking about that today.

Mr. SESSIONS. What I understand is this, that the majority leader has made this proposal to the Democratic leader which has not been accepted as of yet; that he would ask unanimous consent we stand in recess when we complete our business today until 5 p.m. Tuesday, and that the time between 5 p.m. and 7 p.m. be a period for morning business with the time equally divided, and that at 7 p.m. the Senate proceed to consider the 1-day continuing resolution and a vote occur immediately on the resolution when it is received from the House without amendments, debate, or motions in order. That will be the proposal at this point, as I understand it. But I am sure the majority leader would be open to improvements.

Mr. REID. Well, I say to my friend, I guess the good news is that ultimately there will have to be an end to the 106th Congress because the calendar is going to run out eventually. I hope we will see fit to maybe wrap up the work we have.

As you know, there has been tremendous work on Labor-HHS during the past 24 hours. Early this morning we thought we had an agreement worked out. As you know, my counterpart in the House on the Republican side, I understand, threw what we refer to as a monkey wrench into the proposed workout of the Labor-HHS bill which now, it is my understanding, is in further negotiations.

Time is really working very fast against us. As you know, we have sent a number of bills to the President. He is going to have to make a decision on those bills, whether he is going to veto them or sign them.

I know the majority leader is aware of all the problems that this Congress faces, but I hope that we exert any influence any of us have to try to work out this Labor-HHS bill. I think if that were worked out, we could probably resolve the other issues, or at least I hope so. There are a few other issues such as assisted suicide and immigra-

tion that would still be outstanding, but hopefully we could resolve those if we got this big final spending bill done.

Mr. SESSIONS. I am sure the majority leader would work toward that end. I know it has been his goal since this Congress began to move the appropriations bills to not find us at this point. Frankly, I am sympathetic with the fact that he has tried to do that and has been frustrated time and again. I think some people wanted us to end up in this very position, and they got their wish. And as far as I am concerned, we can stay here until January 1 or December 31 to do our business. Wiser people will decide that.

Mr. REID. You don't mind if we take at least a day or two for Thanksgiving and Christmas, do you?

Mr. SESSIONS. I do prefer to take off Christmas. But we have a high duty to do our work and do it right.

I thank the Senator for his comments, and I note that he desires, and I do, that we reach an accord.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding that we are in a period of morning business and that the time used by the Senator from Alabama and the Senator from Nevada will be deducted from the 2 hours that are evenly divided for morning business, that the Democrats have the first half and the Republicans have the second half. Is that accurate?

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

SOCIAL SECURITY SCHEME

Mr. REID. Mr. President, what I would like to do for a few minutes is talk about the Governor of Texas and his plan regarding Social Security. I will not go into a lot of detail other than to say that the actuarials that are cited show that his plan is impossible because he is promising the same trillion dollars to two different groups, and in effect, the plan, just in a few short years, would bankrupt the country and we would have staggering deficits again.

So that those within the sound of my voice do not think that these statements that I am making are coming from the Democratic Senatorial Campaign Committee or the Democratic National Committee, let me read a number of quotes.

First of all, from Ron Gebhardtshauer, who is Senior Pension

Fellow at the American Academy of Actuaries, who said:

"I don't see any way they pay off the public debt." And given Bush's large package of tax cuts, "in 2015 the budget will go negative. There won't be a surplus anymore."

Paul Krugman, economist and columnist for the New York Times stated on October 29:

George W. Bush's proposal, admittedly, does not count on the stupidity of markets. Instead, he trusts the people: voters are not supposed to notice that the same pool of money is promised to two different groups of people.

Secretary of Treasury Lawrence Summers, who, by the way, is not only Secretary of Treasury and a brilliant academician but is also a fiduciary with the Social Security trust fund and has an obligation in that regard also, here is what he says:

Now, there is of course, a Social Security surplus of approximately \$2 trillion over the next 10 years. That surplus is currently earmarked to pay the guaranteed benefits for the baby boom generation when it retires. If that surplus is diverted to new accounts, then the resources will not be there to pay the guaranteed benefits when the baby boom generation retires.

Robert Ball, former Commissioner of the Social Security Administration, said on October 27, just a few days ago:

I've looked over Governor Bush's plan. He takes one trillion dollars out of Social Security for savings accounts. But Social Security is counting on that money to pay benefits. His plan simply doesn't add up and would undermine Social Security.

Henry J. Aaron and Alan Blinder, Century Foundation Study of Governor Bush's Social Security proposal, Washington Post, August 24:

In a recent report, we showed that Social Security retirement benefits would have to be cut as much as 54 percent to restore balance under a Bush-style privatization plan.

In an editorial in the New York Times yesterday:

The governor's scheme would siphon money out of Social Security at the very moment when both seniors and younger taxpayers want to see long-term fixes to ensure its solvency.

Mr. President, the fact is that Governor Bush's plan ruins Social Security and ruins our economy. That is not a very good duo, as far as I am concerned, when you take into consideration that Social Security is the most successful social program in the history of the world.

We need to make sure that we do what we can to strengthen the program. Governor Bush's program weakens the program.

MEANINGFUL LEGISLATIVE ACCOMPLISHMENTS

Mr. REID. Mr. President, I find myself in amazement when I hear the Republican's spin that the Democrats played partisan politics in this Congress.

The truth is, we have repeatedly asked for the Republican leadership to work with us so we could have meaningful legislative accomplishments for

the people in Nevada and in other States represented in this body.

These legislative accomplishments should include meaningful prescription drug benefits that help people—not the HMOs; a meaningful Patients' Bill of Rights—benefits to ensure the American people receive the urgent medical care they need rather than an HMO litigation protection bill; meaningful funding for education; that is, funding for school construction, repair, and modernization rather than denying States any Federal assistance to maintain our Nation's schools.

We always hear that this takes away from local control. No one on this side of the aisle wants to take local control away from schools.

We have many programs that we have worked on that have been very helpful in school districts.

I have not heard a single person from the Clark County School District, the sixth largest school district in the country—basically Las Vegas—complain about too much Federal money, or too much Federal control. Quite the opposite. The calls I get are for more help, especially school construction and repair and modernization.

I think we need a meaningful tax cut; that is, a significant tax to ensure we can still pay down the debt rather than a tax cut of such magnitude that we forget our current obligations; targeted tax cuts, for example, that would allow a child to go to school not based upon how much money the parents have but how much ability they have. A tax credit to allow the parents to deduct up to \$10,000 a year per child would be most helpful to the American people. That is what we call a targeted tax cut. Of course, we need a minimum wage increase.

Speaking of Governor Bush, the reason Governor Bush has not been an advocate for a minimum wage increase is the State of Texas has one that is almost \$2 an hour less than the Federal minimum wage.

In some States, the wages are much higher. You have some jurisdictions that have a minimum wage as much as \$11 an hour. But here we don't. We have a \$5.15 minimum wage. We want to increase it 50 cents an hour. We are getting all kinds of static for trying to do that. We need to do that.

Campaign finance reform: Certainly with this campaign season, people understand how we have to do something to take money out of campaigns. We need to have campaigns more meaningful. It shouldn't be how much money you are able to raise. It should be what the merits of your claims are.

As we get closer to Halloween, the debt of the American people should scare them more than any ghost. Instead of giving them treats, this Republican Congress, in my opinion, played a dirty trick on the American people. They are scheming to drive a stake through the heart of the positive Democratic agenda—an agenda that could make a real difference in the lives of working people.

We do not have the legislative accomplishments that we need. Instead we have accomplishments that could have been.

I know that there are others here wishing to speak. We have a limited amount of time.

I see my friends from Illinois and Minnesota. I would be happy to yield my time to either of them.

How much time does the Senator from Illinois desire?

Mr. DURBIN. I would like to ask for 20 minutes.

Mr. REID. How much time do we have, Mr. President?

The PRESIDING OFFICER. Forty-five minutes.

Mr. REID. I give 20 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DURBIN. Thank you, Mr. President. I ask the Chair to advise me when I have consumed 10 minutes.

Thank you, Mr. President.

THE AMERICAN CHOICE

Mr. DURBIN. Mr. President, let me follow up on a statement made by the Senator from Nevada about the choice the American people are facing in just a very few days.

I think if you believe that governing America is easy business, then the choice is easy, too.

I happen to think that the set of circumstances the next President will face is pretty challenging.

I can recall only a few years ago on the floor of the Senate when we spent most of our time debating deficits and talking about constitutional amendments to end deficits. But now we are debating surpluses. What are we going to do with the extra money?

We believe on the Democratic side that the first obligation has to be to reduce the national debt so that our kids don't carry that burden, and strengthening Social Security and Medicare. We believe that after we have met those obligations, we should target tax cuts to help the middle-income and working families deal with problems that are meaningful, problems such as paying for college education for their kids.

We believe on the Democratic side we should be able to deduct up to \$12,000 a year of tuition fees paid for your children in college. I have taken that across the State of Illinois, a pretty diverse State, and it is widely accepted. People believe that is an excellent change in the Tax Code.

We also want to give families—working families, single mothers, too, for that matter, who need to have good quality day care—an additional tax credit so they can afford to leave their kids in safe day care. We say to the mother who wants to make the sacrifice to stay home with the kids, you deserve a tax break too; you are making a sacrifice. Our Tax Code should

recognize that. That is targeted tax cuts the Democrats support.

So many people have aging parent and grandparents. We want to increase the deductibility of expenses incurred in caring for their parents. Baby boomers have noted their parents need extra help as they live a longer life. They need extra assistance. We want to be there. The Tax Code should support families who do their best to help relatives, to help their parents.

We believe, bringing this together, we can keep America moving forward because we won't be embarking on a risky tax scheme, one that has been proposed by Governor Bush. The idea of \$1.6 trillion in tax cuts, 40 percent of which go to the wealthiest people in America, is a bitter pill to swallow. Who are the top 1 percent wage earners in America? People who make over \$25,000 a month, over \$300,000 a year. Governor Bush says these poor struggling people making only \$300,000 a year need a tax break, \$2,000 a month worth of a tax break.

I am sorry, but, frankly, I prefer to target that tax break to the people who really need it. A fellow such as Bill Gates at Microsoft has been very successful, God bless him for his creativity, but this man's net worth is greater as an individual than the combined net worth of 106 million Americans. Does he need Governor Bush's tax break? I don't think so. I know a lot of families across Illinois want to have a tax break to send one of their kids to college so that kid might have a chance to have a successful career and business or whatever they choose.

That is the difference. That is the choice. I think a lot of people in this election want to overlook a little history. Let me share some of that history.

Mr. REID. Will the Senator yield?

I ask unanimous consent that the time I consume asking questions not be charged against the Senator from Illinois.

The PRESIDING OFFICER. It will be charged against the Democratic time.

Mr. REID. I say to my friend from Illinois, does the Senator agree the best tax cut the American people could get would be if they paid down the national debt? That would give Bill Gates a break and everybody in America a break; is that not true?

Mr. DURBIN. The Senator from Nevada is right. If we pay down our debt, we stop borrowing to service the debt. As we stop borrowing, the demand for capital goes down. That is, the cost of capital goes down, which is the interest rate. As interest rates go down, every family in America can feel it on their mortgage payment, on their loan for school payment, or their auto payment. That is as good as, if not better than, a tax cut, if we reduce that burden on our kids and bring down the interest rates in the process.

Mr. REID. One more question I want to ask my friend from Illinois. I have a long-time friend; we went to high

school together. We were inseparable friends. He was my chief of staff until he retired 2 years ago. His mother has been very ill. She passed away last night.

The point I want to make is this: My friend's sister, my friend Gloria, with whom I also went to high school, spent many months caring for her mother in her home. She gave up her job. It was a tremendous burden, but it was her mother. She did it; she is a caring person; she gave up her life to take care of her aged mother.

Do you know what tax break she got from that? Nothing.

As I understand what my friend is saying, the Senator thinks we should spend a little bit of this surplus to give my friend Gloria a tax break so that she and other people similarly situated who are willing to take care of their mother or other loved ones—and there is no better care that can be given—should be given some kind of tax incentive for doing this; is that what my friend is saying?

Mr. DURBIN. That is exactly right. If you really believe in family values, is there a stronger family value than a son or daughter willing to sacrifice for an aging and ailing parent? If we are going to support family values with the Tax Code, shouldn't we include in that Tax Code some assistance for your friend and her situation? They would give \$2,000 in tax breaks to Bill Gates, and he wouldn't even notice it. I am telling you, your friend will, as will a lot of other baby boomers across America who are caring for their parents. That is the difference. That is the choice. It really is a graphic choice.

If you look at this chart, there has been a suggestion that having surpluses at the Federal level must be easy, so anybody can do it, yet history tells otherwise. It wasn't until halfway through the Clinton-Gore administration that we finally turned the corner, and now we are generating the largest surplus in history. We are paying down America's debt for the first time.

Look at all the red ink that occurred under Ronald Reagan and President George Bush and the early years of the Clinton administration. We finally turned this corner in the belief we could do a \$1.6 trillion tax cut for the wealthiest people and take \$1 trillion out of the Social Security surplus and use it for some privatization scheme. Frankly, I don't think that is responsible. If I owe anything to the people of Illinois and this country, it is to maintain the economic growth and prosperity we have seen.

Let me mention one other point. Basic economics says Alan Greenspan's greatest fear is inflation. Every time he thinks we are moving toward inflation, what does he do? He raises interest rates a notch and slows things down. I can also say you can create inflation with government spending or tax reductions. Injecting \$1.6 trillion into our Nation's economy through tax cuts will energize the economy and cre-

ate inflationary pressure, forcing the Federal Reserve to raise interest rates in response.

So George W. Bush gives a tax break on one hand and creates an economic circumstance that raises interest rates on the other. You get to take your new tax break and pay for a higher ARM, your adjustable rate mortgage on your home. There is no benefit to your family. There is a real benefit if you reduce the debt, the deficit of this country, and make sure our kids don't bear that burden.

Mr. REID. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. REID. I see the illustrative chart. It appears to me every year that President Clinton has been in power, in office, the deficit has gone down. Does the Senator from Illinois—and I was in Congress in 1993 when we took a very tough vote, the Clinton budget deficit reduction act was a tough veto. Not a single Republican voted for it in the House, not a single Republican over here. AL GORE came over and broke the tie.

Would the Senator agree with me, that is what put the country on the road to economic recovery where we created 22 million jobs—the lowest unemployment in 40 years—we have surpluses instead of deficits; we have a Federal Government today that is 300,000 people fewer than when GORE and Clinton took office? Does the Senator believe that is the reason this chart is illustrated the way it is?

Mr. DURBIN. I don't think there is any doubt. It was a tough vote, and we both know some of our colleagues lost their reelection campaigns because of it, because people demagogued and said it was the biggest tax increase.

It was on the wealthiest people in the country and also the biggest tax cut in history, and it was right thing to do. It was the right medicine. People on Wall Street and the business community know we finally have a President who will take a difficult but necessary path toward bringing us to a surplus economy. That is exactly what has happened.

To think this could happen under any President, I say, is wishful thinking, because I have served under three Presidents and I can say in the early days we didn't see any indication that the deficits were going to decrease. In fact, just the opposite is true. We can see in the President George Bush era the deficits were increasing each year. It wasn't until the Clinton-Gore administration started that the deficits were reduced, leading to a surplus.

Then take a look at the overall impact to which the Senator from Nevada alludes. We are in the longest economic expansion in the history of the United States of America, 115 months. We have seen the effort made, the longest sustained surplus coming out of our Federal deficit in our history. We have seen more money generated to pay down debt than at any time in our history. What does it mean?

As the Senator has noted, the unemployment rate of this country has been coming down steadily since 1992, the election of Bill Clinton and AL GORE. We can see the unemployment rate is the lowest peacetime level in 42 years. This does not happen automatically. It isn't just something we can expect to see automatically. We have to make the right choices. Some of them are difficult. Some are painful. Some are easily demagogued in 30-second ads. These choices have paid off for America.

Let me show the Senator from Nevada some charts to back up other things he said: 22 million new jobs have been created under the Clinton-Gore administration. Is this something that is easy to do? Obviously, President George Bush couldn't do it. In his 4 years, he managed to create some 2.5 million jobs; President Reagan, 16 million under his 8-year period. But 22 million were created across this country in Clinton-Gore.

There used to be a debate whether we value work. Since I was a little boy growing up in my family, work was important. You proved your mettle as a person by going to work. Now 22 million Americans have a chance to go to work and their chance to realize the America dream.

Look at the inflation rate. This is the lowest level since 1965. Inflation being low means a lot of people can understand that their take-home pay is still worth a lot if it keeps up with inflation.

In the bad old days, we had inflation rates in double digits. Now we are down to an inflation rate that is below 3 percent. People who are always left out in this equation are the poorest in America. We see now the lowest poverty rate in two decades was in 1999. It means basically we have not just helped those the best off in America, we have tried to help everybody. That means more job creation bringing more people off welfare, and our welfare rolls are the lowest they have been in modern memory. All these positive things have occurred. The question people have to face in the election on November 7 is basically the same election question Ronald Reagan posed many years ago: Are you better off today than you were 8 years ago? For the vast majority of Americans the answer is, overwhelmingly, yes. There is a fear, of course, unless we make the right decisions and elect the right leaders, we could jeopardize that situation.

Look at Federal spending. I noticed George W. Bush goes around saying AL GORE wants to spend more and more at the Federal level, but this chart shows spending is moving in the opposite direction. Since the election of Bill Clinton in 1992, we have seen a steady decline of Federal spending as a percentage of our gross domestic product. Our spending is more effective. We are trying to do things that are important for America, and it has been evidenced in our economy and economic growth.

Take a look a little more closely at the tax cut that would be happening here under the proposals we have seen from George W. Bush. We see basically the average tax cut for the lowest 20 percent of Americans ends up this year being worth about \$18. If you happen to be in the top 1 percent, it is worth over \$4,000. As you look at these, you understand this is a clear choice.

I want to go back to one point made by the Senator from Nevada. I think it is an important one. Last week it wasn't the Democratic Party, it wasn't the Republican Party, it was the American Academy of Actuaries that analyzed the George W. Bush proposal for Social Security. This is a group that is supposed to know their business when it comes to analyzing what policy changes would mean.

Here is what they said in their release of October 27: Bush's plan on Social Security would signal a return to Federal budget deficits around 2015.

How could that be good for America? How could it be good for us to go back to a deficit situation, adding to our national debt and drawing more money out of the economy to pay interest on it, raising interest rates, creating an inflationary spiral?

They went on to say:

Texas Governor George W. Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

The PRESIDING OFFICER. The Senator asked to be advised when he had 10 minutes remaining. There are 10 minutes remaining.

Mr. DURBIN. I thank the Chair.

The program is a pay-as-you-go system, meaning most of the payroll taxes collected now are disbursed to recipients. We say, If we draw money out of Social Security, and we know we need to have it, how do you replace it? He was asked repeatedly in the third debate: Governor Bush, how do you replace the \$1 trillion you take out of Social Security? He cannot answer the question because the hard answer to that question is the only way to replace it is to take one of three options: Reduce Social Security benefits; raise the payroll tax on Social Security; or somehow extend the retirement age beyond 67.

I do not think any of those is a popular option. I hope we never have to face them, but if Governor Bush is going to propose massive changes in Social Security, then he has to face the music and explain it to the American people before the election.

I would like to address a separate issue, but one equally important in this debate over the next President of the United States.

U.S. OVERSEAS DEPLOYMENTS

Mr. DURBIN. Mr. President, the pace of U.S. deployments and the use of force overseas has been a hot issue in policy debates in Congress and on the

campaign trail. Presidential candidate, Governor George W. Bush, says that he will put an end to the Clinton Administration's "vague, aimless and endless deployments;" that he would replace "uncertain missions with well-defined objectives."

So the question is: Has the President improperly committed our forces overseas in major missions and at an unprecedented rate compared to his predecessors? I don't think so. I want to take some time today to look at the deployments in question and at deployment statistics. I ask unanimous consent to have printed in the RECORD the lists of deployments, so Americans can judge for themselves if they think there were missions that the military should not have undertaken.

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

(See Exhibit 1.)

Mr. DURBIN. I want to look at why a deployment of between 10,000 and 30,000 soldiers to the Balkans, or deployments of several thousand military personnel at a time for disaster relief or humanitarian aid could disrupt a military that has a combined force of about 2.2 million active and reserve personnel.

The hardships suffered by our men and women in uniform are painfully real and should not be understated. I salute the sacrifices our soldiers, sailors, airmen, and marines are making everyday to defend our national security. Many of these hardships have arisen because the world has changed drastically and so has our military.

Our military has changed from a post-World War II forward-based force to much more of a projection force. When we talk about deployments going up, we are talking about times when we send our forces away from their home bases and their families. After World War II, we had a half million troops stationed in Europe, but with their families, if they had families. Those troops were not considered "deployed," because they were based there. So when people talk about a massive increase in deployments, they are generally not counting those who are stationed in overseas bases.

That is how having 10,500 soldiers in the Balkans today can be considered and counted as a major deployment, but stationing a half million troops in Europe from the end of World War II through the 1980s is not even counted as a deployment by classic definition.

Our military has also changed drastically. It used to be a force of mainly single, young men. Today, our forces are filled with married men and women, many of whom also have children. So deploying them on repeated missions overseas, along with frequent job changes, as well as being overworked at their home bases, creates serious hardships for family life.

I submit today that many of the problems encountered by our men and women in uniform are related to the ways our military is organized and

managed, based on the assumptions developed following our experience in World War II. I recommend to my colleagues an excellent, thoughtful paper, entitled "It's The Personnel System," by John C. F. Tillson of the Institute for Defense Analysis. His paper explores the personnel and organizational assumptions that underlie the military, as well as the intersection of deployment tempo, personnel, or job-changing tempo, and operating tempo at home bases.

These are complex problems that require serious thought. I think it is very sad that these issues would be reduced to a conclusion that the United States must pull out of our leadership role in the world instead of addressing those problems head-on.

What are those unending missions that the Clinton Administration has gotten us into? Most of them were inherited from the Bush administration or Ronald Reagan's administration, or even earlier ones.

Of the 100,000 troops currently deployed long-term away from home, only 10,500 or a little over 10 percent are deployed by the Clinton Administration—to the Balkans. The rest of the major long-term deployments were inherited, including deployments in Japan, the Korean peninsula, the Persian Gulf, and Navy deployments in the Western Pacific and the Mediterranean, as well as the mission that went wrong in Somalia. The only other major mission that the Clinton Administration took on that it did not inherit was to Haiti; and contrary to what Governor Bush said during the second Presidential debate, that mission is over.

I have seen many figures bandied about claiming that the Clinton Administration has used force at a much greater pace than Presidents Bush and Reagan before him. Where do these claims come from?

For example, an op-ed in The Wall Street Journal on October 18th by Mackubin Thomas Owens from the Naval War College and the Lexington Institute, says that:

Deployments have increased three-fold during the Clinton years.

He further stated:

These deployments have included some combat missions, but have consisted primarily of open-ended peacekeeping and humanitarian operations—48 missions, to be precise, from 1992 to 1999.

Apparently, a 1999 Congressional Research Service report, *Instances of Use of United States Armed Forces Abroad, 1798–1999*, was used to substantiate these claims. Specifically, the CRS report shows that during the Reagan and Bush administrations there were 17 and 16 uses of force overseas respectively. This compares to 49 uses of force overseas during the first 7 years of the Clinton administration.

Unfortunately, reading the CRS report this way is a gross misrepresentation of the facts and an absurd misuse of the CRS report, which was intended

only to be a compendium or rough survey of the range of uses of force. CRS and its fine analysts should not be blamed for the poor analysis of others who used the report as a source.

For instances of use of force in recent years, the CRS report is just a list of times when the President and Defense Secretary reported to Congress consistent with the 1973 War Powers Resolution, and the report notes that the instances of use of force listed vary greatly in size and significance. The degree to which each President reports to and consults with Congress on war powers matters varies greatly. The Clinton Administration has reported to Congress diligently. To simply add up each instance without reading and analyzing them inevitably leads to a gross misinterpretation of the facts and to conclusions that cannot survive serious scrutiny.

Let me provide that scrutiny using CRS' numbers.

Of the 49 instances of use of force cited in the CRS report, 14 were either evacuations of U.S. citizens from Third World countries or minor increases in security at U.S. embassies. This is hardly the troop deployment depicted by the critics of the Clinton administration. Moreover, 24 other uses of force were merely continuing operations or simply status reports about continuing operations, 5 of those separate entries for status reports on peacekeeping operations in the Balkans.

There are 7 separate citations regarding air attacks on Iraqi ground targets after the Gulf War.

The analysis suggests the numbers have been misused. Frankly, it raises a question of whether or not the military has been used effectively over the past 8 years. I certainly think it has.

There were 4 entries regarding the deployment of troops in Haiti—3 of which were reporting on the number of troops coming home! But those "counted" as uses of force by the Clinton Administration. So did reductions in US forces from Bosnia.

The largest deployment under President Clinton—some 30,000 troops to Bosnia for peacekeeping missions—is dwarfed by the 600,000+ troops sent to the Persian Gulf during Desert Shield/Storm under President Bush, yet the deployment to Bosnia counts for 15 entries in the CRS report, and the entire Gulf War, only one. The invasion of Grenada with 8,800 US troops has but a single entry.

The entries for the Clinton years included many instances of rescuing American citizens or humanitarian aid. Yet there were very few such instances for the Reagan-Bush years. It seems unlikely that hardly any U.S. citizens needed rescuing during those years, so I suspect such entries are simply missing.

How do we make sense of these numbers?

If we sort out all the multiple entries for the same deployment, as well as the

minor deployments for embassy security and evacuations, it becomes clear that the number of distinct uses of force by the Clinton Administration is not that different from the Bush or Reagan years.

Deconstructing the CRS instances of use of force to include only distinct uses of force, we find that: over 8 years, there were 16 distinct uses of force by President Reagan, the major one the invasion of Grenada; 13 uses of force over the 4 years of the Bush Administration, the major ones being Panama, the Persian Gulf, and Somalia; and 13 uses of force for 7 years of the Clinton Administration, the major ones being Haiti, Bosnia and Kosovo.

The misuse of the CRS report was an egregious distortion of the Clinton Administration's record. To set the record straight, I asked the Defense Department what its numbers show.

First, I should note that there is no uniform method for counting deployments at the Defense Department; some count training and exercises as deployments, and some count domestic missions, like fighting the fires in the West or helping with Hurricane Andrew clean-up.

In March 1999, Defense Secretary William S. Cohen sent a report to Congress entitled, "U.S. Military Involvement in Major Smaller-Scale Contingencies Since the Persian Gulf War." In that report, Secretary Cohen notes that:

... since the end of the Persian Gulf War in February 1991, U.S. military forces have conducted or participated in approximately 50 named, overseas SSCs [small-scale contingencies] involving the deployment of 500 or more military personnel at any one time. This includes three crisis response/show of force operations, three limited strike operations, ten noncombatant evacuation operations, four no-fly zone enforcement operations, three maritime sanctions enforcement operations, six migrant operations, ten peace operations, ten humanitarian assistance operations, and one operation to provide emergency overseas assistance to other U.S. government agencies.

I asked the Defense Department for more detail, so DoD also sent me supporting data for the Secretary's report, showing 60 contingencies from 1980–1999—26 from 1980–1992, the Reagan-Bush years, and 34 during the Clinton Administration. Instead of 50 since February 1991 mentioned in the Secretary's report, it lists 44 contingencies since then.

The 34 contingencies during the Clinton Administration are those missions that have a "name," like "Avid Response" or "Sustain Hope." The sources of this information are the reports to Congress consistent with the War Powers Resolution, just like the CRS report. However, the data doesn't suffer from repetition, since it only uses named missions, so multiple reports were consolidated. These contingencies also include many instances of rescuing Americans or humanitarian aid missions.

However, almost all the data from 1980–1991 uses that same CRS report,

Instances of Use of United States Armed Forces Abroad, 1798–1999, as its source, which may suffer from undercounting smaller deployments for that time period. I would like to ask the Defense Department today to look at its own internal data for the period on which it relied on the CRS report.

I also asked the Army to provide me with deployment data, which I would like to submit for the RECORD. The Army lists 38 deployments since 1989, including humanitarian assistance, noncombatant evacuations, and domestic disaster relief in Florida, Hawaii, California, Midwest floods, and Western fire-fighting.

Mr. President, I ask unanimous consent that a document entitled "Major Overseas Smaller-Scale Contingency Operations" and another entitled "Operational Deployments" be printed in the RECORD.

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

MAJOR OVERSEAS SMALLER-SCALE CONTINGENCY OPERATIONS

[Involving the deployment of 500 or more U.S. Armed Forces personnel—March 1991–February 1999]

Location	Operation	Dates
CRISIS RESPONSE/SHOW OF FORCE		
Kuwait	Vigilant Warrior	Oct–Dec 94.
	Vigilant Sentinel	Aug–Dec 95.
Iraq	Desert Thunder	Oct 97–Nov 98.
LIMITED STRIKE		
Bosnia	Deliberate Force	Aug–Sep 95.
Iraq	Desert Strike	Sep 96.
	Desert Fox	Dec 98.
NONCOMBATANT EVACUATION OPERATIONS		
Liberia	ITF Liberia	Oct 92.
Rwanda	Distant Runner	Apr 94.
Liberia	Assured Response	Apr–Aug 96.
Central African Republic	Quick Response	May 96.
Zaire	Guardian Retrieval	May–Jun 97.
Albania	Silver Wake	Mar–Jul 97.
Sierre Leone	Noble Obelisk	May–Jun 97.
Cambodia/Thailand	Bevel Edge	Jul 97.
Indonesia	Bevel Incline	May 98.
NO-FLY ZONE ENFORCEMENT		
Iraq	Northern Watch	Aug 92–present.
Persian Gulf	Southern Watch	Aug 92–present.
Bosnia	Deny Flight	Apr 93–Dec 95.
	Deliberate Guard	Dec 96–Apr 98.
MARITIME SANCTIONS ENFORCEMENT		
Adriatic Sea	Maritime Monitor	Jun–Dec 92.
	Maritime Guard	Dec 92–Jun 93.
	Sharp Guard	June 93–Sep 96.
	Decisive Enhancement	Dec 95–Dec 96.
MIGRANT OPERATIONS		
Cuba (Guantanamo)	Safe Harbor	Nov 91–Jun 93.
Cuba (Haitian/Cuban)	Sea Signal	May 94–Feb 96.
Caribbean (Haitian)	Able Vigil	Aug–Sep 94.
Panama (Cuban)	Safe Haven	Sep–Feb 95.
Cuba (Cuban)	Safe Passage	Jan–Feb 95.
Guam (Kurds)	Pacific Haven	Sep 96–Apr 97.
PEACE OPERATIONS		
Sinai	Multinational Force & Observers	Apr 82–present.
Macedonia	Able Security (UNPREDEP)	Jun 93–present.
Somalia	Continue Hope (UNOSOM II)	May 93–Mar 94.
	United Shield	Dec 94–Mar 95.
Haiti	Uphold Democracy (MNF/USSTGP)	Sep 94–present.
	Restore Democracy (UNMIH)	Mar 95–Apr 96.
Bosnia	Joint Endeavor (JFOR)	Dec 95–Dec 96.
	Joint Guard ² (SFOR)	Dec 96–Jun 98.
	Joint Forge ³ (SFOR/FOF)	Jun 98–present.
Kosovo	Eagle Eye	Oct 98–Mar 99.
HUMANITARIAN ASSISTANCE OPERATIONS (OVERSEAS)		
Iraq	Provide Comfort	Apr 91–Dec 96.
Bangladesh	Sea Angel	May–Jun 91.
Former Soviet Union	Provide Hope	Feb 92–Apr 92.
Bosnia	Provide Promise	Jul 92–Feb 96.
Somalia	Provide Relief	Aug 92–Dec 92.
	Restore Hope	Dec 92–May 93.
Zaire	Support Hope	Jul–Oct 94.
Rwanda/Zaire	Guardian Assistance	Nov–Dec 96.

MAJOR OVERSEAS SMALLER-SCALE CONTINGENCY OPERATIONS—Continued

(Involving the deployment of 500 or more U.S. Armed Forces personnel—March 1991–February 1999)

Location	Operation	Dates
Central America	Strong Support	Oct 98–Mar 99.
EMERGENCY OPERATIONS OVERSEAS IN SUPPORT OF OTHER U.S. GOVERNMENT AGENCIES		
Tanzania/Kenya	Resolute Response	Aug 98–present.

OPERATIONAL DEPLOYMENTS SINCE 1989 AND ONGOING

MULTINATIONAL FORCE AND OBSERVER (MFO)

Peacekeeping—Sinai. Established by Protocol 26 Mar 79 to Peace Treaty between Egypt and Israel. MFO assumed duties Apr 82. MFO is a peacekeeping operation under the auspices of the U.N. MFO operates checkpoints, reconnaissance patrols & observation posts to observe, report and periodically verify the implementation of the Peace Treaty. U.S. participation consists of an Infantry Battalion & the 1st Support Battalion. Soldiers on individual permanent change of station order man to Support Battalion, while battalion-sized task forces of approx. 530 personnel, rotate about every six months.

JOINT TASK FORCE (JTF) BRAVO

Regional Cooperative Security—Honduras. Conducts and supports joint, combined and interagency operations to enhance regional security and stability in the U.S. Southern Command Joint Operations Area. Established in Aug 84, at Soto Cano Air Base, Honduras, the task force coordinates the presence of U.S. forces in Belize, Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica.

JUST CAUSE

Limited Conventional Conflict—Panama. In December 1989, the National Assembly of Panama declared that a state of war existed with the U.S. On 20 December 1989, U.S. forces launched attacks. Objectives were to protect U.S. lives and key sites and facilities; capture and deliver Noriega; neutralize Panamanian Defense Forces (PDF) forces and command and control; support establishment of U.S.-recognized government in Panama; and restructure the PDF.

DESERT SHIELD/DESERT STORM

Regional Conventional Conflict—Persian Gulf. Restoration of Kuwait's sovereignty by military force from Saddam Hussein. The ensuing war and economic embargo decimated Iraq's military infrastructure, severed communication and supply lines, smashed weapons arsenals and destroyed morale.

DESERT FALCON

Force Protection—Saudi Arabia/Kuwait. Began 1991. Air and missile defense of Saudi Arabia and Kuwait. JFCOM and EUCOM provide Patriot Air Defense Task Forces (750 soldiers) on a rotational basis for contingency employment in the Central Command area of responsibility. Task forces rotate approximately every four to six months and every third rotation is a U.S. Army Europe responsibility.

SEA ANGEL

Humanitarian Assistance—Bangladesh. Supported international relief and rescue effort and deployment forces to Bangladesh in order to conduct humanitarian assistance and disaster relief.

PROVIDE COMFORT

Humanitarian Assistance—Northern Iraq. Establish a Combined Task Force, at the conclusion of the Gulf War, to enforce the no-fly zone in Northern Iraq and to support coalition humanitarian relief operations for the Kurds and other displaced Iraqi civilians.

JOINT TASK FORCE (JTF) LIBERIA

Noncombatant Evacuation Operations—Liberia. Protection and evacuation of American citizens and designated third country nationals in support of a State Department evacuation directive that reduced the number of at risk American citizens.

RESTORE/CONTINUED HOPE

Humanitarian Assistance—Somalia. Military transports supported the multinational UN relief effort in Somalia. Restore Hope—Dec. 92–May 93: Deployed large U.S. and multinational U.N. force to secure major airports, seaports, key installation and food distribution points, and to provide open and free passage of relief supplies, with security for convoys and relief organizations and those supplying humanitarian relief. Continue Hope—1993–1994: Provided support to UN Operation In Somalia (UNOSOM II) to establish a secure environment for humanitarian relief operations by provided personnel, logistical, communications, intelligence support, a quick reaction force and other elements with 60 Army aircraft and approx. 1,000 aviation personnel.

SOUTHERN WATCH

Sanctions Enforcement—Saudi Arabia, Qatar and Kuwait. Multinational, joint operation with forces deployed throughout SWA. CENTCOM forward-deployed HQ, JTF-SWA, is located in Riyadh, Saudi Arabia. The mission is to enforce the No-Fly Zone in Southern Iraq. ARCENT maintains a forward presence in Kuwait, Saudi Arabia, and Qatar in support of OSW. ARCENT began its support of OSW in Apr. 91. During the Jan-Feb 98 crisis, CENTCOM activated another forward HQ, C/JTF-KU, to command and control the operational forces deployed to Kuwait and maintain a forward presence HQ in Kuwait.

PROVIDE PROMISE

Humanitarian Assistance—Balkans. Humanitarian relief operations in Bosnia-Herzegovina and Croatia, entailing airlift of food and medical supplies to Sarajevo, airdrop of relief supplies to Muslim-held enclaves in Bosnia and construction of medical facilities in Zagreb.

HURRICANE ANDREW

Domestic Disaster Relief—Florida and Louisiana. U.S. military provided disaster relief to victims of Hurricane Andrew, which ravaged portions of South Florida and Morgan City, LA.

TYPHOON INIKI

Domestic Disaster Relief—Hawaii. U.S. Army provided disaster relief to victims of Hurricane Iniki which battered the island of Kauai, Hawaii, with winds up to 165 miles per hour in September 1992.

JOINT TASK FORCE (JTF) LOS ANGELES (LA RIOTS)

Domestic Civil Support—California.

PROVIDE HOPE

Humanitarian Assistance—Former Soviet Union. Delivery of food and medical supplies to 11 republics of the former Soviet Union, using military airlift, as well as sealift, rail and road transportation. Personnel provided surplus Army medical equipment to hospitals and delivered, installed and instructed medical personnel on the use of the equipment.

DENY FLIGHT

Sanctions Enforcement—Bosnia. NATO enforcement of a No-Fly Zone over Bosnia-Herzegovina from April 1993 to December 1995. U.S. soldiers deployed to Brindisi, Italy to support Operation Deny Flight. During operation CPT Scott O'Grady was shot down and was rescued by the combined efforts of the Army, Navy, Air Force and Marines.

MIDWEST FLOODS

Domestic Disaster Relief—Midwestern States.

ABLE SENTRY

Peacekeeping—Macedonia. Part of the UN Preventive Deployment (UNPREDEP) force and responsible for surveillance and patrol operations for the FYROM border and force protection. The UN mandate for the UNPREDEP force expired without renewal on 28 Feb 99. In late Mar 99, TFAS transferred 3 of 4 outposts to the FYROM Army. Refugees from Kosovo were beginning to come across the border into Macedonia in large numbers. On 31 Mar 99, while engaged in routine activities inside the FYROM, a three man 1-4 CAV patrol came under fire and was abducted.

SHARP GUARD

Sanction Enforcement—Former Republic of Yugoslavia. Enforced compliance with the U.N. sanctions against the former Republic of Yugoslavia to help contain the conflict in the region and to create conditions for a Peace Agreement in Bosnia and Herzegovina. U.S. military operations were amended by law (Nunn-Mitchell Act) to exclude enforcement of the arms embargo against Bosnia. U.S. forces continued to provide air deconfliction and command and control to NATO.

WESTERN U.S. FIRES

Domestic Disaster Relief—Western United States.

VIGILANT WARRIOR

Show of Force—Kuwait. In October 1994, when Iraq began moving ground forces toward Kuwait, the President ordered an immediate response. Within days, the USCENAF Commander and staff deployed to Riyadh, SA and assumed command of JTF-SWA. Operation involved "plus up" of air assets to more than 170 aircraft and 6,500 personnel. Objectives were to prohibit the further enhancement of Iraqi military capabilities in southern Iraq, to compel the redeployment of Iraqi forces north of the 32d parallel and to demonstrate U.S. coalition resolve in enforcing U.N. resolution. Iraq recalled its troops and crisis passed.

SUPPORT HOPE

Humanitarian Assistance—Rwanda/Zaire. Establishment of refugee camps and provision of humanitarian relief to Rwandan refugees in Eastern Zaire following the genocide in Rwanda.

SEA SIGNAL

Migrant Operations—Cuba. Establishment of Joint Task Force—160, a combined service task force that managed migrant caps for Haitians initially, and later Cubans as well, at Guantanamo Bay Naval Base. U.S. military personnel oversaw housing, feeding and medical care for over 20,000 Haitians and 30,000 Cubans. Majority of Haitians migrants were safely repatriated following the restoration of President Aristide (Operation Uphold Democracy). Cuban migrants at Guantanamo prior to the change in migration policy in May 1995 were eventually brought into the U.S.

UPHOLD DEMOCRACY

Peacekeeping Operations—Haiti. Movement of forces to Haiti to support the return of Haitian democracy. Most of the force was airborne when Haitian officials agreed to peaceful transition of government and permissive entry of American forces in Sep 94. U.S. transferred the peacekeeping responsibilities to U.N. functions in Mar 95.

U.S. SUPPORT GROUP HAITI

Humanitarian Assistance—Haiti. Southern Command conducted civil and military operations in Haiti by exercising command and

control and providing administrative, medical, force protection and limited logistical support to deployed-for-training units conducting humanitarian and civic assistance projects. Forces were initially deployed under the authority of Operation Uphold Democracy to restore Haitian President Jean Bertrand Aristide to power. In Mar 95, Operation Uphold Democracy continued as USSPTGRP-Haiti. HQDA provided approx 60 soldiers on six month rotation and a 150 man infantry company for security operations. Mission ended Jan 00.

VIGILANT SENTINAL

Show of Force—Kuwait. In August 1995, Hussein tested U.S. resolve by moving a significant military force close to his country's border with Kuwait. Included protecting the physical security of U.S. allies in the Persian Gulf and on the Arabian Peninsula, deterring aggression, countering threats to the peace and stability of the Gulf region and maintaining U.S. access to key oil resources.

JOINT ENDEAVOR/JOINT GUARD/JOINT FORGE

Peacekeeping—Bosnia-Herzegovina. U.S. deployed forces to Bosnia-Herzegovina in Dec 95 to monitor and enforce the Dayton Peace Agreement (now the General Framework Agreement for Peace or GFAP). Operation renamed Joint Guard in FY97. Joint Forge (OJF) is NATO's follow-on operations to Operation Joint Guard. OJF is the operational plan to the Supreme Allied Command Europe for Stabilization of the Peace in Bosnia and Herzegovina. Under the general framework for peace, the Army's mission is to provide continued military presence to deter renewed hostilities, to continue to promote a self-sustaining, safe and secure environments and to stabilize and consolidate the peace in Bosnia. The Stabilization Force (SFOR) supports the Dayton peace Accords through reconnaissance and surveillance patrols, monitoring border crossing points per UN Security Council Resolution 1160, enhancing security for displaced persons and refugees and professionalizing the military. Task Force Eagle (TFE) Multinational Division, North (MND(N)) is the U.S. lead division of the SFOR.

ASSURED RESPONSE

Non-Combatant Evacuation Operations—Liberia. U.S. deployed forces on 7 Apr 96 to conduct evacuation of U.S. and foreign national citizens from Liberia. Joint Special Operations Task Force deployed additional security forces to the U.S. embassy in Monrovia and evacuated over 2,000 personnel including over 400 U.S. citizens.

TAIWAN MANEUVER

Show of Force—Taiwan.

DAKOTA FLOODS

Domestic Disaster Relief—Western United States.

DESERT THUNDER I AND II

Show of Force—SWA. Provided military presence and capability during negotiations between the UN and Iraq over weapons of mass destruction. In late 1997 and early 1998, Iraq demonstrated an unwillingness to cooperate with UN weapons inspectors. In Feb and Mar 98 troops were deployed to SWA in response to Saddam Hussein's defiance of UN inspectors. During this large scale contingency deployment of Allied Forces into the theater in the spring of 1998, the size of U.S. Army Forces Central Command (ARCENT), Third U.S. Army increased while at the same time relocated their HQ from the Eastern Province to its present location in Riyadh, Saudi Arabia.

STRONG SUPPORT/HURRICANE MITCH

Humanitarian Assistance—South America. On 5 Nov 98, Secretary of Defense ordered de-

ployment of forces to support relief operations in Southern Command. Hurricane Mitch caused extensive flooding and mud slides. The countries most seriously affected were Honduras, Nicaragua, Guatemala and El Salvador, with over two million displaced people and significant infrastructure damage. Deployed forces provided aviation, logistics, emergency evacuation, engineer assessment, road repair, communications and medical care. Deployed forces reached a peak of 4,000+ in Dec 98. Operations continued until mid-April 1999. Ongoing work was continued under USAR & NG New Horizon exercises beginning in mid-Feb 99.

DESERT FOX

Sanctions Enforcement—Kuwait. Bombing campaign in Iraq. Operation DESERT FOX was launched in response to Iraq's repeated refusals to comply with UN Security Council resolutions. Two task forces from Exercise Intrinsic Action were operationalized.

ALLIED FORCE (JOINT TASK FORCE-NOBLE ANVIL/TASK FORCE HAWK)

Limited Conventional Conflict—Kosovo. Joint Task Force-Noble Anvil was the U.S. portion of NATO's Operation Allied Force (the air operations directed against the Federal Republic of Yugoslavia). Headquarters were in Naples, Italy. In Jun 99, JTF-NA became the U.S. share of Operation Joint Guardian, NATO's Kosovo peace implementation operation and exercised U.S. command of Task Force Hawk in Albania and Task Force Falcon in Kosovo. JTF-NA was disestablished on 20 Jul 99. In Apr 99, U.S. Army Europe deployed a task force of approximately 2,000 V Corps soldiers to Albania as part of Operation Allied Force. Task Force Hawk provided NATO with a deep strike capability out of Albania into Kosovo. Additional combat, combat support and combat service support units increased the task force to about 5,000. TF HAWK consisted of Apache helicopters, MLRS artillery, force protection assets and necessary support and command and control elements. With end of hostilities on 10 Jun 99, TF Hawk furnished forces to TF Falcon to support the U.S. portion of Operation Joint Guardian. Until end of Jun 99, TF Hawk also provided limited support of, and security for, Operation Shining Hope (the U.S. military effort to establish and sustain Kosovar refugee camps in Albania).

JOINT GUARDIAN (TASK FORCE FALCON)

Peacekeeping Operations—Kosovo. U.S. portion of NATO's Operation Joint Guardian, the Kosovo Peace Implementation Force (KFOR). Task Force Falcon is responsible for Operation Joint Guardian operations in the U.S. designated sector of southeastern Kosovo. On 9 Jun 99, 1st Inf Div (M) assumed responsibility for the U.S. portion of KFOR. TFF's Army elements entered Kosovo from the FYROM on 13 Jun 99 and established control over its assigned areas and established security checkpoints. TFF's major subordinate units include a BDE HQ, one mechanized task force, one armor task force, one light battalion (from the 82d ABD) and numerous combat support and combat service support units.

OPERATION STABILISE/U.S. SUPPORT GROUP EAST TIMOR

Peacekeeping—East Timor. U.N. resolution 1264, 15 Sep 99, authorized establishment of a multinational force under a unified command structure to restore peace and security in East Timor. Soldiers were located in Darwin, Australia and in Dili, East Timor and performed critical tasks in the medical, intelligence, communications and civil affairs arena. INTERFET (International Force East Timor) is the Australian-led multinational peacekeeping force. U.S. Support Group-East

Timor (USGET) provides Continuous Presence Operations. U.S. Army Pacific directed to support effort with staff augmentees; a logistics support detachment; periodic engineer and medical civic-action projects.

FOCUS RELIEF

Peacekeeping—Nigeria/Sierra Leone. Part of the National Command Authority's decision to provide bilateral assistance to Nigeria, Ghana and Senegal to augment training and provide equipment for battalions scheduled to deploy for peacekeeping duties with the U.N. Assistance Mission in Sierra Leone.

WESTERN FIRES

Domestic Disaster Relief—Montana and Idaho. Active duty soldiers deployed to Montana and Idaho to assist with and support firefighting efforts.

Mr. DURBIN. As a point of comparison, the Institute for Defense Analysis (IDA), under contract from the Defense Department, completed a study in February 1998 entitled, Frequency and Number of Military Operations. Contained within the study are a number of databases detailing the deployment of U.S. forces overseas. One data set from an earlier IDA study covering U.S. military overseas deployments from 1983-1994 showed that President Reagan averaged 9 deployments per year, President Bush averaged 9.5 deployments per year, while Clinton averaged 5.5 deployments per year.

Another data set from Defense Forecasts, Inc. listed U.S. Air Force deployments from 1983-1996. It showed the following number of average annual Air Force deployments: 19 per year under President Reagan, 37 per year under President Bush, and 27 per year under President Clinton.

For all those critics of the pace of the use of military force under President Clinton, I would like to ask, which missions of those in the lists I have submitted for the RECORD should this country not have done? Governor Bush mentioned only one in the second Presidential debate—the mission to Haiti.

Of the missions listed in the table from the Defense Secretary's report, which should we have skipped? Should we have said no to the 9 missions evacuating noncombatants and Americans in trouble? Should the United States have said "sorry we can't help" to those in the 9 humanitarian assistance missions? Should the military have been prevented from helping stem the flow on illegal immigrants or not helped give safe haven to the Kurds, as in the 6 missions listed under "migrant operations"? How about enforcing the no-fly zone and the sanctions against Iraq, or perhaps the shows of force and limited strikes to keep Iraq in check?

Looking at the Army's list, perhaps critics would like to show where the Army was over-reaching? Was it when it helped the residents of my state of Illinois and of Iowa, Wisconsin and Minnesota during the massive flooding in 1993? Maybe we shouldn't have asked soldiers to help put out the fires all over the West last August? Maybe we shouldn't have helped the victims of Hurricane Mitch in Central America in

1998, or perhaps we should have turned down the humanitarian mission to the survivors of the Rwandan genocide in 1994? Some say we shouldn't have even tried to restore democracy in Haiti.

When I read these lists, it makes me proud of what our soldiers, sailors, airmen, and marines have done for our country and for the world, at great cost to themselves and their family lives.

Clearly there is a national consensus that we have been over-working our troops and we need to look deeply into what assumptions and management systems we need to change to fix these problems—rather than decide that we must pull back from the world and from the vital national security missions those men and women have been so ably undertaking.

But where on these lists are those “vague, aimless and endless deployments” that Governor Bush referred to? Which “uncertain missions” would he “replace with well-defined objectives”?

There's only one major long-term peacekeeping mission on those lists, and that's the U.S. mission to the Balkans—the only major deployment still in place that President Clinton did not inherit from Governor Bush's father.

Governor Bush has called for a U.S. withdrawal from the Balkans and for a “new division of labor” between the United States and its NATO allies—this at a time when the U.S. strategy is bearing fruit with the fall of the Serbian President, Slobodan Milosevic, and when United States forces make up less than 15 percent of the troops on the ground in the Balkans.

Bush's intent to reduce the United States' role in Europe and NATO has been greeted with alarm and dismay across Europe.

Following two world wars, history has shown us the importance of the U.S. role in keeping peace and promoting stability in Europe; of stopping racist, ultra-nationalist dictators. After the United States and Europe alike spent years wringing its hands about the ultranationalist policies that ripped Yugoslavia to shreds, the United States led to step in and stop the ethnic cleansing. Was that the wrong policy? Should we have just watched while Southeastern Europe went to pieces? It was painful and messy, and it took time, but I think we did the right thing. The new leaders in Croatia, and now, I hope, in Serbia, are ready for a new, democratic path.

Our experience with the Kosovo campaign showed just how important American leadership and American defense capability is to the NATO alliance. Europe has said it's ready to do more to beef up its defense and peacekeeping capabilities, but it's a long way from being able to undertake a Kosovo-like campaign without the United States. That reality became painfully clear to European leaders during the Kosovo campaign, and they have determined to do something about it.

Just a few years ago, I was proud to vote in the United States Senate to enlarge NATO to include Poland, Hungary, and the Czech Republic. This enlargement was to help integrate the states that had thrown off the yoke of the Warsaw Pact into Western European institutions. It helped to cement democracy and give those countries a stake in the defense of Europe. I want to see more East European countries join NATO, particularly the long-suffering Baltic countries of Lithuania, Latvia, and Estonia. I am afraid that will not happen if the United States pulls back from its commitment to NATO.

After the United States led Europe and NATO to stop the Yugoslavian wars, are we to pull back? After the United States led NATO to expand the fold of democratic, market-oriented states committed to Europe's defense, are we to leave?

I believe the answer to those questions is a resounding no.

It is time to address the hardships of those in the military as the management issues that they are and stop claiming that the United States can no longer handle vital national security missions like our involvement in the Balkans because of those hardships.

Let's stop hiding behind the many differing deployment statistics and debate policy. This Administration has kept our commitment to NATO and to Europe, while it has continued to contain Saddam Hussein, and protected our vital interests in protecting Japan, South Korea, and the Taiwan Strait. Those aren't “vague, aimless, or uncertain” missions. These missions are at the heart of our national security and our leadership role in the world today.

I close by pointing to one particular thing that has come up in the last 2 weeks in the Presidential campaign. For months, Governor Bush's senior foreign policy advisers have been complaining that the U.S. military is overextended and engaged in too many peacekeeping operations. It is this last deployment in the Balkans that has drawn Governor Bush's ire, even though the 10,000 troops represent, as I said earlier, less than 1 percent of the U.S. military.

Recently, Governor Bush's foreign policy adviser, Condoleezza Rice, called for withdrawal of U.S. forces from the Balkans as a “new division of labor” under which the United States would “handle a showdown in the Gulf, mount the kind of force needed to protect Saudi Arabia and deter a crisis in the Taiwan Strait,” while Europe would be asked to do peacekeeping on its own.

I have always been in favor of burden sharing, and I believe the Europeans and every other group across the world who need our assistance should not only pay for that and defer the costs to American taxpayers but put the lives of their young men and women on the line.

I believe it is naive of Governor Bush to suggest that America's commitment

to NATO is just a statistical commitment. America's commitment to NATO makes it work, and the suggestion that Governor Bush, if he had the chance, would diminish the American role in NATO, has raised concerns all across Europe because for over 60 years now, NATO has been a source of stability and pride and defense for our European allies.

The U.S. involvement is much more than just bringing men and women to the field. It is a symbol of the force and commitment of the United States. I am proud of the fact, as I stand here, that in modern times the United States has never engaged in these military conflicts hoping to gain territory or treasure. We are there for what we consider the right reasons: to protect democratic values, to provide opportunity for the growth of business opportunities, and free trade. That has basically been the bedrock of our policy in NATO for many years and will continue to be. I hope we can continue to make that commitment in years to come.

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

Mr. DURBIN. I ask for 3 additional minutes under the time allotted on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I close this segment by saying if we are going to maintain the superiority of the United States in the world, we must maintain a military force second to none, and that is a fact. For those who suggest we have somehow diminished our power, I suggest to them: Which military would you take in place of the United States? It is not just our technological advantage—that is amazing—what is amazing is the commitment of the men and women in this military to this country and to the defense of our values. I am proud of the fact that as a Member of Congress, in the House and the Senate, I have been able to support this buildup of military strength, which has meant we have conquered communism, we have allowed countries to see their freedom for the first time in decades, and we have built alliances, like NATO, into the envy of the world.

For those who suggest the American military is somehow understaffed, overmanned, underutilized, overutilized—whatever the criticism may be—I do not think that is a fact. I also think those who want to rewrite the history of the last 50 or 60 years and try to define a new role for NATO are causing undue concern among our allies in Europe. NATO is important. I know this because of my own experience dealing with the Baltics.

My mother was born in Lithuania. I followed the arrival of democracy in Lithuania, Estonia, and Latvia. I know they are concerned about their future and security. They are counting on NATO. They are praying for the day when they can become part of it.

When Governor Bush suggests we are somehow going to diminish America's

role in NATO, it raises serious questions not only in the United States but around the world. It goes back to the point I made earlier: If being the President of the United States and Commander in Chief of our forces was an easy job then many people could fill it. If it is a tough job demanding experience and good solid judgment, then I think the American people should best look to someone involved in that. Vice President GORE has tried to stand not only for the strength of NATO in the past but in the future. I believe as leader, if he is elected on November 7, he will continue in that proud tradition.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Iowa, Mr. HARKIN.

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

EDUCATION BUDGET

Mr. HARKIN. Mr. President, I have now served on the Senate Appropriations Committee and the Labor, Health and Human Services, and Education Subcommittee. I have been on that committee 15 years. Each year when we pass the budget for education and health, there are always tough negotiations, but we always manage to get through it and we get it to the President and move ahead.

This year we had some long and tough negotiations on our bill. The first part of the year, the majority leader of the Senate said education was going to be their priority. Yet here we are at the end of the year—actually at the beginning of the new fiscal year; we are a month into the new fiscal year—and we still do not have our education budget through yet. It is going to be the last bill through.

We have been working very hard over the last several weeks to bring this bill to its final conclusion. First of all, the chairman of our appropriations subcommittee, Senator SPECTER, worked very hard this year to get it through our committee and to get it through the Senate. Then we went to conference, and we have been locked in conference now for the better part of 3 months, most of it over the last month working out these differences, as we do on bills.

Last night, Sunday night, we met for what was supposed to be our final negotiating process on the education budget. We started meeting last night after our vote in the Senate, so that must have been around 8 or 9 p.m. We met until almost 2 a.m. There were tough negotiations. Senator STEVENS, as chairman of the Appropriations Committee, Congressman BILL YOUNG from Florida on the House side, Congressman PORTER, Congressman OBEY, the ranking Democrat on the House Appropriations Committee and on the subcommittee that deals with education, and I and, of course, the Director of OMB, Mr. Lew, was there also.

As I said, we had tough negotiations, but we had it down to about four or five issues, finally, and we hammered them out.

Finally, at about 1:30 a.m. this morning, we reached our agreement. As is usually true of any agreement or compromise, there are things in the compromise that I do not like. I am sure there were things in there Senator STEVENS does not like. There are items in there that Congressman PORTER, a Republican from the House, and Congressman OBEY do not like. Together we decided this was the best package we could do, and we all shook hands on it.

Today, thinking we had finally reached an agreement on this important education bill, I find out that Majority Whip DELAY has turned his thumbs down on it, and so did Majority Leader ARMEY turn his thumbs down on it. Evidently, Speaker HASTERT has said the same thing.

What are we doing here? Why do we even have committees? Why don't we just let Speaker HASTERT and Congressman DELAY and Congressman ARMEY deal with everything?

The reason we have the committees is because people such as Senator STEVENS know these issues. He has been working on these issues for years. And Congressman PORTER and Congressman YOUNG and Congressman OBEY and Senator SPECTER and myself, we know these issues. We know the ins and outs of these issues. We have been working on them a long time.

I am not on the Commerce-State-Justice Committee, so I could not negotiate on that because I do not know all the ins and outs of it, and neither does Congressman DELAY or Congressman ARMEY or Congressman HASTERT know that. Yet they turned thumbs down on this deal we struck last night.

Senator STEVENS worked long and hard to reach this agreement. I am sure he was not happy with everything that was in it, just as I was not. But Senator STEVENS dealt in good faith. We gave our word. We shook hands on it. So did Congressman BILL YOUNG. I have worked with Congressman YOUNG for 15 years—and Congressman PORTER and Congressman OBEY. We reached our agreements. We walked out of the room at 1:30 a.m. And today, Congressman DELAY and Congressman ARMEY say: No.

I do not know. I feel very badly for Senator STEVENS and the others who worked very hard on this, gave their word, shook hands. We had the agreement.

What is at stake here? Is this all just an inside ball game, that it shouldn't bother anybody outside the beltway? Here is what is at stake.

In education: Pell grants, some of the largest increases ever in Pell grants; Individuals with Disabilities Education Act, giving money out to the States to help pay for the education of kids with disabilities; class size reduction, hiring more schoolteachers to reduce class size; school modernization so we can

get money out to our schools so they can repair and fix up their schools. The average age of our schools in America is 42 years. They need to be fixed up. We had money for that.

In health care, medical research: All the money for NIH for medical research; all the money for our community health centers that are doing so much to help our uninsured people in this country with health care; an important cancer-screening program for breast and cervical cancer for women.

Child care: One of the biggest increases that we have ever had for child care.

These issues are too important to be playing politics at this late moment. That is what is happening on the House side—pure politics.

Again, I hope this is just a temporary setback. Congressman ARMEY, Congressman DELAY, and Speaker HASTERT are talking about things that they do not understand. I am hopeful they will meet with Congressman YOUNG and Senator STEVENS, who understand that we had an agreement. Not everyone liked it, but it was a good agreement. It was one that we could live with, and one that I felt the President could sign.

So these issues are much too important for our Nation's future, for our kids' future, for the health of women—too important for these kinds of partisan games this late in the year.

I just want to take this time to urge our friends on the House side to not play games with this important education bill. We have to get this money out. We are already a month into our fiscal year. Our colleges, our school boards, our State departments of education need to know, need to have this money out there, so we can continue to hire teachers and reduce class size and modernize our schools.

We need to get the money out there for breast and cervical cancer screening for women all over America. What we do not need is the kind of interference that we have had by Congressman DELAY and Congressman ARMEY and Congressman HASTERT on the House side.

Now is the time to pull together, as we did last night. This was a true bipartisan effort. Republicans in the House, Democrats in the House, Republicans in the Senate, and Democrats in the Senate worked together and we got an agreement. That is the way this place should work. Senator STEVENS led it on the Senate side, Congressman YOUNG on the House side. We got our agreements. It is too bad we see this last minute kind of partisan bickering from the House leadership.

Again, I am hopeful this is a temporary setback. Let's get our education bill done. Let's get it to the President so he can sign it, so we can move ahead with the necessary task of educating our kids in this country. It is, indeed, a sad day today when we see what happened in education.

Mr. REID. Mr. President, before I yield to the Senator from Louisiana

the remainder of the time, I just want to say to the Senator from Iowa, who is the subcommittee ranking Democrat, who has done such a remarkable job, I could sense from your voice in your presentation you were up most of the night working on this. It is not just last night that you worked on it; you have worked on this bill for months—

Mr. HARKIN. Months.

Mr. REID. And months and months. It is a great bill. It does so much for the American people. And there are no accolades here for you today, as there should be, because you have done such a remarkably good job of not only working that bill but making sure that the people in this Senate and the people around the country understand those people who have no voice.

This subcommittee, of which you are the ranking member, is a subcommittee that does not have a lot of lobbyists working for the underprivileged. There are a lot of people working against them. We depend on you. We, on this side of the aisle, depend on you. And you are very dependable. I personally appreciate, as we all do over here, the great work you have done.

Mr. HARKIN. I thank the Senator from Nevada for his very kind remarks. I would just say to him, also, that, quite frankly, we had great cooperation from Senator STEVENS on the Republican side in getting this bill through. He worked very hard on it, too. I just want to make that point because it is just a darn shame that in these last hours we have gotten thrown into this partisan thing on the House side by the House leadership.

I thank the Senator.

Mr. REID. Senator STEVENS works very hard on everything he does.

Mr. HARKIN. Yes.

Mr. REID. I yield the remainder of our time to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes.

Ms. LANDRIEU. I thank the Chair.

TAX CUTS

Ms. LANDRIEU. Mr. President, I associate myself with the remarks of the good Senator from Iowa and acknowledge his great work in the area of education. As he has pointed out—and the Senator from Illinois earlier this evening, and our leader from Nevada—we believe in bipartisanship. We believe in working together. But we do believe there are certain principles worth fighting for: The principle of fairness, the principle of equality, the principle that if we are going to help people, then let's try to help everyone, not just those in the upper-income levels.

In my State—I represent Louisiana—it is very important that we try to spread some of these tax benefits,

health benefits, and education benefits to households that earn under \$75,000. That is not to say that people above those income levels do not also need help. I am not saying that household incomes of \$75,000 and greater or "wealthy" or "rich" or "well off" or those who "don't have difficulties" don't also need help.

But it is important, when we do tax cuts, to try to do it as much as we can for people at all income levels. That is why I am here today to note one provision in the underlying bill in relation to savings and pensions and 401(k)s and IRAs—a wonderful tool for people to save, if it could be designed properly and the rules drafted correctly.

I rise today, however, to note a hard-to-miss opportunity for this Congress to make real tax cuts for America's working families. It is hard to miss, but it looks as if we missed it because the tax bill before us does not target help to middle-class families or give them additional savings tools.

Let me take a few minutes to explain.

Throughout this year, many of us have advocated meaningful, responsible, and targeted tax cuts. I had hoped we would come up with a tax reduction bill which distributed benefits equally among all income groups, recognizing that some families have had more help through our Tax Code than others. But all families, whether they are at \$10,000, \$20,000, \$40,000, \$60,000, \$75,000, or \$100,000, should be helped fairly. This bill fails to do that. We have before us a bill that fails to even meet this simple test of common sense.

I had hoped this Congress would produce tax cuts designed to encourage family savings, not just additional consumption because while incomes have risen dramatically over the past several years, savings rates have actually declined. Savings should be made more attractive for all Americans, not just those who are already saving but those who need help or incentives to save. It not only helps them and their families but strengthens our whole economy.

While the net worth of a typical American family has increased recently, the net worth of families under \$25,000 has declined. According to the most recent numbers from the Commerce Department, the national savings rate in August of 2000 dropped to a negative 4 percent, meaning people are spending more than they save. This is a dramatic drop from the mid-1970s, when Americans saved about 10 percent of their income, or even the 1980s, when it fluctuated between 5 and 7 percent. I think we should do something about that.

The bill before us, which expands IRAs and 401(k)s, doesn't hit the bull's-eye. It doesn't hit the target. It is helping families that are already saving to potentially save more—I argue it doesn't really accomplish that—and it doesn't help those families trying to get into the savings habit.

I introduced a bill earlier that is called SAVE, Savings Accounts are

Valuable for Everyone, which is to help middle- and moderate-income families build assets for themselves through IDAs, while also expanding IRA contributions.

The Senator from Louisiana, Russell Long, former chairman of the Senate Finance Committee, once said: The problem with capitalism is there aren't enough capitalists. I agree with him.

If we created and expanded IDAs, individual development accounts, and IRAs, and 401(k)s in the right way, we could, in fact, create more capitalists, create more pools of capital, help people to build assets and strengthen the economy for everyone. We need to expand economic opportunities for more families, not just help those already on the right track.

According to another study, nearly one-third of all U.S. households hold traditional IRAs. The average income of these families is \$62,500. Average assets are about \$200,000. Just 10 percent hold Roth IRAs. That means 43 percent of households have chosen to use individual retirement accounts. But this is the point: Only 4 percent of those households save at the maximum rate. So by doubling an IRA from \$2,000 to \$5,000 or from \$2,500 to \$5,000, one has to question are we trying to help the top 4 percent who are saving at the maximum rate? Couldn't we spread that money out in a better way to encourage more people to save?

I know I only have a minute or two remaining. Let me address one other point.

I support a 401(k) savings plan. I think it is very effective. Many employers are moving to that in addition to or in lieu of their traditional pension plans. But why increase the limit of 401(k)s when the idea would be to try to use our money to entice more employers and more workers to use the 401(k) model?

This tax bill does nothing to help low- and moderate-income families save for the future.

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

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds to wrap up.

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

Ms. LANDRIEU. This tax bill does nothing to help low- and moderate-income families save for their future. That is where IDAs would come in. If we took the opportunity to institute a new savings vehicle called IDAs, expanded IRAs in the right way, and gave additional benefits for 401(k)s, we could use our money more wisely, spread it out among many more families in America.

My message is, there is a better way to do it. I hope when this bill is vetoed by the President, there will be ample consideration to make these modifications. It would not cost more—as this chart shows, \$58 billion to \$44 billion. It would only require common sense, compassion, and the will to do so.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 6:05 until 7 p.m. shall be under the control of the Senator from New Mexico, Mr. DOMENICI, or his designee.

Mr. DOMENICI. Mr. President, normally, I don't have the luxury of using as much time as I would like on subjects. I am very pleased tonight to have a considerable amount of time, which I am going to share with my good friend from Texas.

I will start with a statement about one of my staff people and then proceed to a point where I think what Senator GRAMM has to say will fit rather nicely with what I am talking about.

FAREWELL TO BRIAN BENCZKOWSKI

Mr. DOMENICI. Mr. President, at the end of this session of the 106th Congress Brian Benczkowski will be leaving my staff. Brian has worked on the Hill since his third year in law school. He started as an intern while still in law school, served as the senior analyst for judiciary issues for the Senate Budget Committee, and worked closely with my general counsel to develop, and enact, over the President's veto, the Securities Litigation Reform Act of 1995.

Brian was my counsel for the second round of Whitewater hearings and was part of the team for the historic impeachment trial of President Clinton. Brian worked on Juvenile Justice legislation and helped me take on the Mexican drug lords.

He learned the highway, airport and other infrastructure needs of New Mexico as well as any Highway and Transportation Secretary in any Governor's cabinet. He was knowledgeable on immigration issues and helped my caseworkers with the really tough, but worthy immigration problems that are a daily fact of life in a border state. Just to prove that Brian had a soft side, he was my staff person for Character Counts during the 106th Congress.

Brian was instrumental in drafting the claims process legislation for the victims of the Cerro Grande fire. From the date that the fire first started to the day that the President signed the bill, complete with the \$640 million to pay the claims, was fifty days. It is a good legislative product, and it proved that the delegation and the Congress could be bipartisan and act expeditiously in an emergency.

Brian is a talented lawyer, a caring and hard working member of my staff.

For a young man raised in Virginia, taught the law in Missouri with parents now living in Connecticut, he has made many New Mexico friends, developed a taste for green chile and amassed an understanding of the border. At one point I remarked that his Spanish was as good as any other staff member in my office.

So what is it that such a talented young man would choose to do when leaving Capitol Hill?

Banking legislative assistants and counsels with backgrounds in securities often end up at the Securities and Exchange Commission, the Commodities Futures Trading Commission or at one of the Wall Street firms. However, the typical career path wouldn't do for this untypically talented young lawyer. He is going to New York to work for the first, real sports stock market!

This new sports stock market will list the baseball and other trading cards of today's marquee athletes and major league sports rising stars. Just like any major stock exchange, the exchange is a market maker. Just like E-trade or Ameritrade people will have sports brokerage accounts.

Brian is a baseball fan, former baseball player and a font of knowledge when it comes to sports. As a former minor league baseball player myself, I know baseball and am a fan of most other sports. ESPN was a great invention that adds to most men's enjoyment of life, sports and the pursuit of happiness. Hopefully, this new sports stock exchange will add another dimension to the way we all follow sports.

Many of us share a passion for sports, but very few of us get to take that passion, and merge it with the law, get a impressive title like Assistant General Counsel, receive a pay check and stock options. However, Brian is going to do just that at thePit.com. I wish him and his new company every success.

ECONOMIC ISSUES

Mr. DOMENICI. Mr. President, I open by saying if I have heard it once in the last 2 months, I have heard it 40 times as the other side of the aisle tries to convince us and the American people that what really has made the American economy so strong, with its 22 million new jobs, is the fact that they voted on a tax increase bill in the year 1993 that amounted to \$247 billion over 5 years, and it is called the Clinton-Gore plan, in quotation marks; sometimes referred to on the floor as "the plan."

Before we are through this evening, we hope we can convince our colleagues that that plan had very little to do with the state of economic well-being, jobs, and confidence of the American people today.

However, there are several subjects I want to touch on quickly, because the other side cannot come to the floor for 15, 20, or 30 minutes without talking about them. The first one is what the plan of the Governor of Texas on Social Security is going to do to our senior citizens. They proceed as if they know, and they don't know.

The distinguished Governor from Texas has given us an idea. The idea is to let every senior who is on Social Security keep their check and the program remain totally intact while we let younger Americans invest a little piece of their Social Security money in

a preferred or protected account in the stock market.

They come down here and do some arithmetic gymnastics, which is hard for any one to understand. They support their statements by citing the Secretary of the Treasury, a genius I believe they called him. We all know Secretary Summers. We all know he is rather bright. We all know he was a very young Harvard Ph.D. faculty member. But for him to take to the streets telling Americans he knows what that Bush plan is going to do to senior citizens is absolutely deplorable. I have seen Secretaries of the Treasury come and go. We had a great one before this one. Never have I seen anybody attempt to do this.

I want to tell the American people the truth about the Vice President's plan on Social Security. I would almost say there is no plan because, in fact, the plan he is talking about is accepted by so few in the Congress, despite the fact that it has been around since 1999, in case anybody is interested.

You know, we voted on it a couple times in the Budget Committee. I think perhaps that there was one time when a Democrat voted for it—one member. I think we might have forced a vote on the floor that included that and nobody voted for it.

So what is the Vice President's plan? I will tell you plain and simple. He wants to put some new IOUs in the trust account for senior citizens, and the IOU says we, the American people, promise to pay to the trust fund the face value of these IOUs. He says let's put about \$10 billion worth in there. Guess what happens. He puts them in there a few years from now and indicates that that helps make Social Security solvent.

So that the American people might understand an IOU in the parlance of your checkbook, it is a postdated check. Have you ever postdated a check? It used to be illegal. It may still be if you do it with the intent to cheat. But some people postdate a check and say, I won't have the money for 2 months, so will you take my check and it will be good then. That is what an IOU is—except the Congressional Budget Office says 50 years from now, when the IOUs all come due, the total amount that the taxpayers of America will owe to that fund will be \$40 trillion—not billion but trillion, \$40 trillion.

Who will owe it? Well, of course, the Vice President is not worried about that today; right? It is our children who are going to pay it, I say to the occupant of the chair. Some day down the line, we are going to have to raise taxes generally or raise the Social Security withholding tax so high that it probably will make the program inoperative and ineffective.

It is amazing that the Secretary of the Treasury and the people on that side of the aisle—my friends, the Democrats of the Senate—would talk about the plan of the Governor of

Texas when their candidate has a plan before us that would eventually require that we raise taxes—and I left out an option—or dramatically cut programs. They would have to cut American programs to the tune of \$40 trillion over this period, or raise new taxes.

Now you would think if you had a plan that was that embarrassing, you would not have the courage to get up and critique other programs that actually do try to reform Social Security. Democratic Senator PAT MOYNIHAN and Senator BOB KERREY of Nebraska have both stressed the need to reform Social Security, which is just what Governor Bush is trying to do.

Now my Democratic colleagues also have another line of argument. They say that what we really should do is pay down the debt. They then say, why are Republicans against that? Well, they know we aren't. We have already paid down \$360 billion of debt over the last three years. The greatest threat to debt reduction is the Vice President of the United States' spending proposals. He has asked for 200 new programs and has a complicated tax code proposal. Let me address this latter point briefly. My Democratic colleagues have attacked Governor Bush's tax plan tonight, however, it is based on the very sound principle that everybody who pays income tax should get a break. That's not the case under the Gore plan, where 50 million American taxpayers get no break at all. Why? Because taxpaying Americans don't get a tax break. It is Americans who are selected by the Vice President's plan. If you meet their criterion—if you're the "right" kind of person—you get a tax break. But that doesn't mean everybody paying income taxes gets a tax break.

Now let's get back to the size of the Government that Vice President GORE would fund. Let me give you an example of the charades he plays in order to say he is not spending very much money. See, I have estimated the plan, and it spends a lot of money. I ask Senator GRAMM if he knows that the Vice President's Retirement Savings Plus (RSP) plan, the one that is going to help low income Americans save money, which he talks about so much—i.e. if someone saves \$500, the government will match this contribution 3:1, thus giving this person an additional \$1500 of taxpayer money for deposit to their savings account—do you know when that plan would be fully implemented under his proposal? Nine years from today, assuming he wins. So the centerpiece of his "tax" plan would not fully phase-in until after two full Presidential terms and 1 year. If you assume such an unrealistic phase-in, of course, it won't cost very much. But neither should anybody kid themselves that his budget isn't full of those timing gimmicks, in order to give the appearance that he does not spend the Social Security surplus.

There are all kinds of strange dates such as the RSP one. In fact, this

major one he speaks about being such a good plan for low-income Americans to save money, I repeat, won't go fully phase-in until 9 years after he is elected, if he is elected. The Vice President has not provided enough information to tell when all of his 200 programs phase-in. But I can tell you that if you just look at the overall programs and add them up cumulatively in your mind, there has not been a bigger increase in American programs since Lyndon Baines Johnson invented the Great Society.

Now what actually happens under the plan of the Governor of Texas is very simple. Of the surplus, he says 50 percent will be saved for Social Security and debt reduction. If you want to go add that up, it looks as though he would pay off the debt entirely by the middle of the next decade. Frankly, if that could happen, what a marvelous thing it would be. If Democrats keep pushing for more spending, we might not do it that fast, although I can tell you the money is there barring that. 50 percent of the projected surpluses is for Social Security and debt reduction under the plan of the Governor of Texas, 25 percent is to be given back to the American people since it is their money to begin with, with every taxpayer getting a tax cut of some type, and 25 percent goes toward new priorities, new things such as increased defense or money we may need to add to the Medicare program to pay for prescription drugs. The ratio is 50, 25, 25.

The other side of the aisle likes to get up and brag about how they are paying down the debt. I submit to you that if you took the litany of Gore programs and what he wants to do in every area to increase things such as prescription drugs for everyone, as he suggests, in the manner he suggests, debt reduction will suffer. His new programs are very costly and we expect the cost estimates to rise the more that people look at them. Let's look at prescription drugs. When that program was first submitted to the Congress by President Clinton, we thought it would cost \$120 billion. The last reference we have from the Congressional Budget Office says that plan would cost \$430 billion.

So you see, there is no question that there is not going to be very much money left over if you put all those programs the Vice President has in mind into effect and give them to the American people in a reasonable period of time. If you want to delay them incessantly, obviously they won't cost much; but will the American people think they have been fooled if that is the case and he is to get elected? I believe they will wonder, what in the world were they talking about when they told us they were going to give us that?

I want to also say that when it comes to reducing the size of Government—I want to repeat one more time, our friends on the other side always cite the total number of reductions in em-

ployees that have occurred since Bill Clinton took office. What they don't tell you is that 96 percent—and I just put it in the RECORD 2 days ago, and it comes from the Office of Management and Budget, not Domenici's staff—OMB says 96 percent of all employee reductions, described as stripping down Government, came from civilians in the Department of Defense. In other words, we started drawing down that Department of Defense so quickly and rapidly, and continued it, so 96 percent of the employee reduction comes from the Department of Defense, and 4 percent comes from all the other civilian programs, which they would lead you to believe have been seriously restrained and many employees have been taken from their ranks. Not true.

I will shortly yield to my friend from Texas for about 20 minutes. However, before I do, I want to point something out. When my Democratic colleagues speak of the Clinton plan for the recovery of the United States, which caused America to have all these 22 million new jobs, new high technology, and breakthroughs in communications—and I say that facetiously—, they ignore the fact that the first plan the President sent to us was a \$26 billion stimulus package for American economy, even though the economy had already begun posting strong growth before he took office. Does my friend from Texas recall that?

Standing right back over there was the Senator from the State of Colorado, who is now retired. He came to the floor and told us what was in that \$26 billion that we were supposed to spend. He found all kinds of things that were promised to mayors during the election and to all kinds of groups in America by the Governor of Arkansas as he campaigned. I can't remember. Some of them were igloos, and all kinds of strange things—skating rinks for some communities.

The first thing we did was to say we aren't going to do that. The first phase of the recovery plan was a \$26 billion stimulus which never occurred. That would have caused more money to be spent, not less.

To lead into what is being said on the other side of the aisle, and by our President and by our Vice President about this plan—the 1993 tax increase of \$243 billion—I would like to hearken back to Alan Greenspan, who coined a phrase. Perhaps my friend from Texas remembers it. He used two words, "irrational exuberance." Do you recall that, Senator GRAMM? Irrational exuberance?

I am going to borrow that phrase today—not to describe the speculative activities in the stock market, as Dr. Greenspan did, but rather to describe my colleagues who have been attributing the 1993 Clinton/Gore tax increase budget plan as the genesis of this long boom we have been experiencing.

I want to talk shortly about what really caused the boom. But I understand my friend from Texas would like

to speak for 20 minutes. I yield that off my time, reserving the remainder for myself.

I want to say just before I yield that I have looked at some polls that somebody presented—maybe even some polls that were published.

I am thrilled with the American people because you know they don't believe the irrational exuberance of the other side. They do not believe it.

They come down here and keep on saying it, but the American people just do not believe it.

The primary reason for this boom has been the evenhandedness of the Federal Reserve Board in making sure we do not let inflation go rampant, and controlling interest rates where they could so that the American economy would always grow, and if it was coming down, to have a safe landing.

They put that No. 1.

In terms of who did it, Dr. Alan Greenspan and the Federal Reserve deserve much of the credit.

The American people, no matter how many times the plan is discussed about the 22 million jobs and all the other things, they do not believe it. And they shouldn't.

Who do they put in second position as responsible for this? I didn't think it was going to be the case because we don't do a very good job of talking about it. But they said the Republican Congress which puts some real controls on spending.

When we are finished tonight, we will show you that actually happened when we took over the U.S. Congress.

In third place, in terms of who did it, who brought it, they put the President's plan.

I yield to my friend from Texas.

Mr. GRAMM. Mr. President, first of all, I want to thank Senator DOMENICI. I want to try to add a few things to what he said, and then go on and say what I was going to say.

I want to begin with the Secretary of Treasury, Larry Summers. Let me say that we are both good friends as well as economists. We both used to teach economics.

Yet, I think a lot of people are unhappy in that the Secretary of Treasury injected himself into politics—something that the Secretary of Treasury, the Secretary of State, and the Secretary of Defense have not done in the past. I think that made people unhappy.

But let me say this with regard to AL GORE's plan, a plan which simply adds IOUs to the Social Security trust fund. I believe Larry Summers would have given an "F" to any freshman economics student in his class who thought that you could strengthen Social Security by simply printing paper—IOUs; I have a copy of one here—and putting them into a filing cabinet in West Virginia.

Let me give a high authority on this issue, the President of the United States.

Our Vice President said if we would simply print more of these IOUs—you

notice, Senator DOMENICI, that they say "nontransferable"—if we printed more of these IOUs and put them in a metal filing cabinet in West Virginia, which is all the Social Security trust fund is, we could pay benefits with these IOUs.

But let me quote from the economic report of the President. This is President Clinton speaking. This is the Fiscal Year 2000 Budget of the President, and on page 337, here is what he says about these paper IOUs. He says:

These [Social Security trust fund] balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. These funds are not set up to be pension funds, like the fund of private pension plans. They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the government's ability to pay benefits.

That is Bill Clinton.

So AL GORE's proposal to simply print more IOUs and put them in a file cabinet is deemed as phony—not by PETE DOMENICI, not by PHIL GRAMM, not by the Republican Congress, but by the President of the United States, Bill Clinton. The President's own budget says it very clearly. This is a bookkeeping entry. No benefits can be paid from these IOUs.

The Gore plan means, in essence, raising taxes.

Just one other point to amplify what Senator DOMENICI said. A picture is worth 1,000 words.

This is page D11 of the Washington Post of this past Tuesday. This is a want-ad page. You have used want-ads yourself. So have I when looking for a job.

These are jobs that range from pet groomers, to painters, to data entry, to day labor, to dispatchers, to retail sales jobs, and everything in between.

You might look at this want-ad page in Tuesday's Washington Post and ask yourself, how many people who took these jobs would get an AL GORE tax cut where they could keep part of what they earned and spend it on what they chose to spend it on?

Here are all the jobs from pet groomer, to custodian, and the list goes on and on.

You see all the jobs. They are the people who, if they took those jobs and were married, could get marriage penalty tax relief from Republicans.

I am tempted to go through and read the jobs. But I am not going to denigrate good jobs in America.

But the point is that all of the jobs listed on page D11 in Tuesday's Washington Post want-ad page for jobs, for every one of those jobs, if you took it, you would be to rich to get AL GORE's marriage penalty tax relief.

This is what would be left.

Mr. DOMENICI. The Senator is assuming that each one of those took the

job, and they are getting paid and earning income pursuant to the job.

Mr. GRAMM. The question is, if married couples took these jobs, are they too rich for AL GORE's tax cut? All of them are, except that handful—about 89 percent of the jobs on that page are too rich.

Let me get to what I wanted to say.

Some people at home probably wonder why we are talking about the Presidential campaign on the floor of the Senate. I think it is a good question. We weren't doing it. Our colleagues have come out here every day and talked about the Presidential campaign, I guess, because they are losing it in America. They think they might win it on the floor of the Senate.

One of the wonderful stories that has been told is that Bill Clinton was elected President, and he courageously proposed the largest tax increase in American history.

They did everything from proposing to tax your utility bill, to taxing gasoline, to taxing 75 percent of Social Security benefits if you made over \$25,000.

Courageously, the Vice President, sitting in that very chair, and Senator DOMENICI was here along with me, when it came down to a tie vote, the Vice President courageously broke the tie in voting to tax gasoline and tax Social Security benefits. And then as if the sky opened and God spoke, interest rates came down, the stock market went up, the economy prospered, and, therefore, our Vice President and the Democrats deserve credit.

Senator DOMENICI, myself, and every other Republican were too ignorant to understand that by taxing gasoline and taxing Social Security and having the largest tax increase in American history, we could produce prosperity.

Mr. DOMENICI. If the Senator will yield, I suggest to the Senator, and I wonder if the Senator concurs, six Democrats voted with Republicans. That is why it was 49-49.

Mr. GRAMM. That is right. They had a majority in both Houses of Congress when Bill Clinton became President, and when they voted they had a substantial majority here, I think 54 or 55 Democrats. Six of them voted with us against this largest tax increase in American history, but there was a tie and AL GORE broke the tie. It was then that the sky opened, interest rates came down, the stock market spiraled, and prosperity ensued.

There are only a couple of problems with that. One, it is totally unbelievable. It makes absolutely no sense. Finally, it is verifiably false.

This is the rest of the story. This is the budget that included this largest tax cut in American history. In this budget, "A Vision of Change for America," Bill Clinton tells us on page 22 that if we raise taxes with the largest tax increase in American history, and 6 years later, if we implement the largest tax increase in American history, 6 years later he states the deficit will be \$241 billion. Nowhere in this budget is

Bill Clinton promising to balance the Federal budget. His promise is, if you have the largest tax cut in American history—and then they forget or our Democrat colleagues want us to forget the rest of the story—if you spend \$26 billion on a new stimulus package, they were going to stimulate the economy. Remember they had ice skating huts in Connecticut, they had Alpine slides, these water slides in Puerto Rico. This was their economic plan. We killed that.

The final part of their proposal that Senator DOMENICI will not have forgotten but our Democrat colleagues want to forget was having the Government take over and run the health care system. That was part of this vision, too. But we killed it deadlier than Elvis. It never came into reality.

Here is my point: we didn't adopt the Clinton plan. They raised taxes, they taxed Social Security benefits, they taxed gasoline. But we killed their \$26 billion spending program, and we killed the Government takeover of health care.

Now, their first budget, with the largest tax increase in American history, promised \$241 billion of deficits 6 years later. Then, in their midsession review in September of 1993, they discovered we hadn't done the stimulus package. So with their tax increase, we were headed for a \$181 billion deficit in 6 years.

Then, in 1995, the President proposed another budget. But in 1995, President Clinton, who now has courageously raised taxes on Social Security and gasoline and most other things, is asked, well, Mr. President, when are you going to balance the budget? Remember that, Senator DOMENICI? This is what he said: In 9 years, 10 years, 8 years, 9 years, 7 years, 7 to 9 years, 7 years, 9 years, 10 years. In other words, 2 years after his tax increase went into effect, our colleagues were asking Bill Clinton when he wants to balance the budget. Two years after his tax hike, he was still saying we are 9, 10, 7 years away from ever balancing the Federal budget.

Now, what happened in 1994? Our colleagues joshed around yesterday saying when they proposed to have the Government take over the health care system, when they proposed this \$26 billion of stimulus package, and when they adopted the largest tax increase in American history, I said this is going to cost people their jobs. So they josh around saying: Well, where did it cost jobs?

Let me state what happened: In 1994, 52 Democrats in the House of Representatives lost their jobs. The Speaker of the House lost his job; the first time in 132 years that it ever happened. Three powerful committee chairmen—Rostenkowski, Brooks, and Glickman—lost their jobs. Not one Republican incumbent in Congress was defeated.

Now, supposedly the sky had opened. Everything was wonderful with this tax increase. But guess what. When the

new Republican Congress came to Washington, this is the first thing that landed on our desk, and this is Bill Clinton's budget. He is still President. He sends us a new budget. He says that by the end of 1999, if we will adopt his budget, the deficit will be \$181 billion.

Now, his tax increase has been the law of the land now for 2 years. Yet he is still saying virtually \$200 billion deficits as far as the eye can see.

Let me make a final point that I think takes the cake. In his midsession review, this is in September of 1995, we have a Republican Congress. Bill Clinton says: If you will forget what these Republicans are saying and adopt my budget, if you are willing to cut \$927 billion of programs over the next 10 years, then we might have a surplus in 10 years.

We didn't adopt Bill Clinton's budget. His budget said we were going to have a \$200 billion deficit from 1994 to the year 2000. Instead, we adopted our own budget. We reformed welfare. Bill Clinton now says the greatest achievement of his administration is welfare reform. He not only had nothing to do with it, he fought it every step of the way. He vetoed it once, then twice, and he has tried to repeal it every day since it has passed.

Republicans reformed welfare and it set into motion—and I have to say as Democrats accused us of not knowing what was going on that I never dreamed it would be as successful as it has been—a 40-percent decline in welfare rolls as people have begun to work and America has prospered.

What happened under the Republican Congress? We started it at a \$200 billion deficit, but under the Republican Congress the deficit started to decline. By 1997, we balanced the budget and we have a surplus.

When Bill Clinton signed this heroic tax increase, and this is from his official documents, he gave a statement in signing the bill.

How many times do you think he mentioned balancing the budget when he signed that tax increase? None. How many times do you think he talked about saving and reforming Social Security and Medicare? None. Those things were the furthest thing from his mind.

If you listen to the mythology that we have been forced to listen to here, the mythology runs as follows. They raised taxes, and then interest rates declined and the stock market boomed—right?

The problem is that is wrong. If you look at their numbers, when Bill Clinton became President, 10-year Treasury interest rates were 5.87 percent. He raised taxes, and what do you think happened to interest rates? They went up to 7.9 percent. And if you look at the chart on interest, the big turning point in interest occurred in November of 1994. Why? Because help was on the way. Help was on the way. We elected a Republican Congress, interest rates went down, and that interest rate,

which had risen to 7.9 percent on 10-year Treasury bonds is, today, 5.71 percent.

What about this booming stock market? By raising taxes on gasoline and Social Security and the largest tax increase in American history, their mythology is that Bill Clinton set off this boom in the stock market. There is only one problem: It ain't so. When you look at the Dow Jones Industrial Average between 1993 and 1994, over that 2-year period when Bill Clinton's tax increase went into effect, the Dow went up by 13 points, about 6.5 or 7 percent a year—around there. I don't have the exact day of the tax and the day Clinton became President—just looking at the numbers.

What do you think happened when we elected a Republican Congress? What happened was the Dow Jones Industrial Average rose from 4,493 to 10,836, today.

So the problem with their story which they are trying to tell the American people is that it is not believable, it does not make sense, and it is verifiably false. When they raised taxes, none of their budgets showed these tax increases ever balancing the Federal budget. When they raised taxes, there was no decline in interest rates. Interest rates went up, not down. When they raised taxes, the stock market was relatively flat. All of that changed when we elected a Republican Congress in 1994. All of that changed.

So basically the point I want to make—how much time have I left in the 20 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds.

Mr. GRAMM. The point I want to make is: Look, there is plenty of credit to go around for the good things that have happened in America. I am not trying to deny the President some of the credit. I do believe a lot of credit goes to the Federal Reserve Bank. But the idea that by imposing the largest tax increase in American history, by taxing gasoline, by taxing Social Security benefits, and that somehow this produced a balanced budget and set off this economic boom is laughable from a logical point of view. It is not borne out by the facts. The truth is, these good things that started happening largely started happening in November of 1994.

It was a good story. Maybe somebody believes it, but they should not. If they look at the facts, they will see that basically that story is not true.

The final point I want to make: We are now coming to the end of this session. In the waning hours of this Congress, the President is saying: If you don't spend more money, I am not going to let the Congress go home. If you do not further inflate an already inflated budget, I am going to veto these bills and not allow us to go home. He is saying to us: If you do not grant amnesty to people who violated the laws of America by coming to the country illegally, I am going to veto the Commerce-Justice-State bill and

potentially shut down the FBI, the DEA, the criminal justice system, and the courts.

We are at the end of the Clinton administration, not at the beginning. President Clinton had his opportunity. He raised taxes. He tried to implement a \$26 billion stimulus package. He tried to have the Government take over and run the health care business. He had his chance.

We ought to have this election and let people decide. Do they want to spend this surplus? If they do, they will know how to vote. If they do not—

The PRESIDING OFFICER. The time yielded the Senator from Texas has expired.

Mr. GRAMM. We ought to let them vote before we do.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. If the Senator will hold up the health care plan again, I say to Senator GRAMM, I want to make a statement about it. I made a mistake. If you look at the President's FY 1995 budget and health plan, it would have increased outlays by \$1.4 trillion—I said billion. Billions are gone; they are not in our vocabulary. The \$1.4 trillion is the additional outlays that the President's budget and health plan would have generated if we'd adopted his plan versus the outlays that the government actually recorded over the five years covered by his budget.

You heard Senator GRAMM describe one of the most significant indicators of prosperity—the 30-year Treasury bond yield. Here is the chart that describes precisely what he spoke of. Here is 1993. You see shortly after that, yields drop a little bit. But then look at what happens in the middle of 1993. It goes to its highest rate on this chart. Yields only begin to fall again after 1995 and the election of a Republican Congress. After that, yields come back down on a sustained basis.

I want to just insert a comment, since there is so much talk about us doing nothing here. This is sort of extraneous, but I think it is terribly relevant to our discussion. This is a late-this-evening quote from the President of the United States:

Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.

He goes on and asks for more. But for all those who have been listening, again, to the "mythology," to borrow one of Senator GRAMM's words, that we have not had a very productive Congress, let me say the President of the United States spoke today and that is what he said.

Let me say to the American people, to all the investors who took risks, to all of the people who invested in new technology since 1993—we will just use that date—to all the millions of Americans who get up every day and work hard and raise their standard of living: You know that it was not "the plan"

that caused America to achieve again and grow again. Let me suggest we have had one of the most remarkable productivity increases during the last five years of this recovery that we have had ever in American history. We had a period right after the Second World War that rivaled this in productivity.

Did the productivity of the investors, risk takers, American workers, the banks with new technology, the new computers—did all that happen because we had a plan to raise taxes \$243 billion? Of course not. Of course not. Did that \$243 billion tax increase reduce inflation and cause it to stay down? Of course not. Productivity did, and international trade did, and the Federal Reserve Board did. That is the kind of thing that made America's prosperity so significant in the past decade.

Did that tax increase reduce regulatory burden, which all American companies will tell you started falling under Ronald Reagan, and has continued up to the recent telecommunications deregulation? That was not a result of the "plan," that \$243 billion tax increase. Deregulation was part of giving American business more freedom to achieve, expand, and to do things in the most efficient way rather than the most burdensome way.

Did it help business become more efficient in managing its inventories? Of course not. The 1993 budget plan had nothing to do with it. Just-in-time inventory management had a lot to do with it, making firms' profits go up and their efficiency increase.

We could go on. Did global trade, which essentially kept inflation under control and opened new horizons to American business—was that impacted by the \$243 billion "plan" which we hear regularly? No. It is only "irrational exuberance" that would cause my Democratic colleagues to claim that the 1993 tax hike generated today's marvelous economy.

I am not sure that "irrational exuberance" is even an adequate word with which to describe the day-after-day trek to the floor of the Senate Democrats to remind us that all good things came from that day, that day when a difficult vote was taken to increase taxes dramatically. I think the American people understand that the 1993 budget plan had little to do with where we are and where we are going to end up. It is because we have a free economy and we have made it freer.

Frankly, let the people judge whether we are more apt to keep this economy going if we have a tax reform measure that gives everybody some of their money back to spend as they see fit. I believe they will say that that gives this economy a much better chance than 200 new programs that the Government is going to run which we do not have today, and we estimate—and I think this is a modest estimate—that we could not administer with less than 20,000 new employees.

Americans understand their prosperity does not come from the size of

our National Government. Maybe it is inverse to the size of our National Government. I believe that might be a fairer estimate of America and the world. Maybe the smaller our National Government gets, the better we will compete and that is very important in the global economy.

I do say the President of the United States deserves credit on trade. Had some Democrats said that votes to further free trade were an important reason behind our strong growth, I would have agreed with them on that point. Trade has been an important positive in the chain of things that have happened to make economic life better in these United States.

I have time remaining. If there are any Senators on our side who want to speak—

Mr. SESSIONS. Will the distinguished Senator yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. SESSIONS. Looking at the chart, I joined this body in 1997, and at that time we had a very tough battle on this side to produce a modest tax reduction, the \$500-per-child tax credit and reduce capital gains from 28 to 20 percent and even lower for lower income people. They told us that was going to run up the debt; we were going to have more debt. Looking at that chart, interest rates appear to have gone down and, in fact, our surpluses have occurred since then; is that correct?

Mr. DOMENICI. I say to my good friend from Alabama, that is absolutely true, and he probably heard me on the floor today. I mentioned enough subjects, but capital gains was also on my list because we've gotten some very unexpected returns to the Treasury from this source. Clearly, the 1997 capital gains reduction—which we accomplished and the President signed although it wasn't high on his list—has been one important factor behind this surplus that is now carrying us into this better period with a lot more flexibility on what we can do in the future.

Mr. SESSIONS. Actually reducing tax rates on capital gains increased income to the Government; is that fair to say?

Mr. DOMENICI. All indications are that it did. There are several things which have combined to get these tremendous new revenue increases. One of them clearly is capital gains. Another is that real incomes have increased for all Americans in all income quintiles. They are paying a lot more taxes, and when you have more Americans paying income taxes because they are working, obviously you collect more revenue and you make Social Security more solid. All of those are positive things that occur when the American economy is flourishing, when it is booming, when more and more people are working.

Capital gains is very instrumental in that regard. I think there are many in this body who think in the near future

we ought to think seriously about reducing capital gains further. In my opinion, it is very helpful for the stock market, government fiscal position and the economy. Higher stock values—particularly in the Nasdaq have greatly contributed to investment in new technology, everything from computers to telecommunications, and everything in between. This is good for the economy, since it boosts productivity and keeps inflation down. The higher the productivity, even when you get less and less unemployment, you do not get inflation. Americans do not appreciate low inflation yet. Most all other things can be cured in the American economy if you keep inflation low.

Does the Senator have a further observation?

Mr. SESSIONS. I have remarks which I will give if the Senator is finished. I enjoyed so much hearing his analysis.

Mr. DOMENICI. I yield those 5 minutes to Senator SESSIONS. I yield the floor.

Mr. SESSIONS. Mr. President, to follow up on the marvelous remarks that have gone before, I remember the first hearings I attended of the Joint Economic Committee. I tell this story about who gets the credit for the economy. Alan Greenspan was the witness that day. I am not a trained economist. I have been interested in these issues, but I am not a trained economist.

We started the discussion, and the chairman made a joke about who deserved credit for the economy: Was it Mr. Greenspan or was it President Clinton? Members on both sides joked about that and laughed a little bit, and we went on with the hearing.

I had an article from USA Today, not a great economic journal, but it was an interesting article, and it interviewed businessmen from Germany, Japan and England, asking them why the U.S. economy was doing so much better than theirs. They had double-digit unemployment of 12 and 13 percent, higher inflation, and less growth than we were having. They asked them why. They all agreed. They said it was because the United States, even though our taxes are high, had less taxes, less regulation, and a greater commitment to the free market.

I asked Mr. Greenspan if he agreed with that. He looked up at me and said: "I absolutely agree with that." Less taxes, less regulation, and a greater commitment to the free market. "Absolutely," he said, that is the basis for the sound American economy.

I think our taxes are still too high, but they are less than Europe. Our regulations are less, and we are more committed to letting free market forces allocate our resources than having the Government do it as they do in the European countries. I believe that is the basis for being successful.

I thought later what I really should have said at that time was that Ronald Reagan deserves credit for this economy because that is what he fought for and that is the direction we moved.

We have had substantial increases in taxes that have burdened Americans substantially.

There is one thing that troubles me about this economy, and that is the rising cost of fuel in America. If there is one thing that threatens our economic growth, it is the increase in energy prices. I have been talking with businessmen in my State. They tell me their concerns. Their profits are down.

I traveled with a truck driver from Birmingham to Clinton to Montgomery. He told me he is paying \$800 more a month for fuel. I talked to businesspeople about their fuel costs. Families that were paying \$100 a month this time last year for gasoline for their clunkers and all that they have their families driving around in, are now paying \$160 a month for that fuel. That is \$60 a month taken out of their family's budget that they could be spending for things in the marketplace. They will not be spending it in the marketplace because it is going to pay for energy costs. That is a threat to us. We need to break that cycle.

It occurred not so much because of economic forces but because of political actions by the OPEC nations when they got together and withheld supplies and drove up energy prices and sat there and collected billions of dollars from America. The OPEC politicians beat our politicians. They outsmarted us. They took advantage of our lack of production of American industry. We got even more and more indebted to them for our energy, and they drove up the price. We had no choice but to pay it.

We are paying 20 cents more, 60 cents more per gallon of gasoline and most of that is going straight to those countries. If we tax gasoline in America 50 cents a gallon, which is not too far from what we do, at least that money goes to the State of Alabama or to the Federal Government and is spent in the United States. In effect, OPEC has taxed us. Every time you go to the gas pump and pay for that gasoline, much of it is going straight out of our country. It is a huge transfer of American wealth. It has the potential to not only damage the family budget but to damage our economy. I think we have to do something about it.

The long-term solution is to get serious and start increasing production. We have the capacity to increase production in the United States.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 1 additional minute.

Mr. LOTT addressed the Chair.

Mr. SESSIONS. I yield to the majority leader.

Mr. LOTT. Go ahead.

Mr. President, I will withhold.

Mr. SESSIONS. I will simply say this. In this election—since we are talking about elections here on the other side—the American people have a choice: Will they elect a President

who, with his deepest core beliefs, would be a no-growth, no-production kind of President or will we elect a President who understands America's critical need for energy and who will help create policies that are environmentally sound, that will allow us to remove ourselves from under this yoke of the OPEC cartel?

Mr. President, I yield the floor.

THE EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT

Mr. GRAMM. Mr. President, as the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, I wanted to take a moment to discuss H.R. 5239, the Export Administration Modification and Clarification Act. The Senate approved H.R. 5239 with a substitute amendment on October 11, and the House took up and passed the bill, as amended, earlier this afternoon.

Since 1994 our export control system has been maintained under a regulatory framework pursuant to the International Emergency Economic Powers Act based on the provisions of the Export Administration Act of 1979. The Bureau of Export Administration (BXA), which administers our export controls, recently has faced court challenges regarding the integrity of that framework. Specifically, the courts have questioned BXA's authority—known as 12(c) authority—to maintain the confidentiality of sensitive information submitted by industry pursuant to our export control rules.

While comprehensive review and updating of the Export Administration Act will be early on the agenda of the Senate Banking Committee next year, we are undertaking a simple extension of the 1979 Act at this time to set the stage for that review. It is important to note, however, that replacing the 1994 expiration date with a 2001 expiration date will make clear that BXA's authority to apply the 12(c) confidentiality provision of the 1979 act is to be considered as covering any information regarding license applications obtained during that time period, as if there had been no interruption of authority.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 30, 1999:

Hichem Belhouichet, 31, Houston, TX;

Joel Cobreres, 21, Chicago, IL;

Gustavo Delgado, 81, Miami-Dade County, FL;

Ollie T. Fisher, 34, Chicago, IL;

Jermaine Jones, 21, St. Louis, MO;

Woodrow Kelly, 51, Washington, DC;

Deshawn Powell, 28, Detroit, MI;

Paula Proper, 33, Rockford, IL;

Lewis Queen, Washington, DC;

Fidel Quiros, 41, Miami-Dade County, FL;

Derrick Redd, 19, Chicago, IL;

Quinten Reed, 18, Nashville, TN;

Antonio Sanchez, 24, Charlotte, NC;

Tanisha Simmons, 17, Detroit, MI;

David Walters, 36, Miami-Dade County, FL; and

Unidentified Male, 26, Newark, NJ.

Following are the names of some of the people who were killed by gunfire one year ago Saturday and Sunday.

October 28, 1999:

Duane Brown, 17, Chicago, IL;

John Cardoza, 24, Denver, CO;

David Clemons, 35, Bridgeport, CT;

Melvin K. Owens, 28, Chicago, IL;

Victor Rijos, 25, Bridgeport, CT;

Tom Shields, 54, Detroit, MI;

Nelson J. Sullivan, 17, Chicago, IL;

Alicia Valladares, 30, Houston, TX;

Nyere Waller, 25, Oklahoma City, OK;

Cameron Wojacichaski, 22, Detroit, MI;

Michael Yslas, 54, Oakland, CA; and

Unidentified Male, 15, Chicago, IL.

October 29, 1999:

Tobey Antone, 18, Louisville, KY;

Richard Brumfield, 42, Louisville, KY;

Kenyatta Evans, 28, Detroit, MI;

Troy Johnson, 38, Oakland, CA;

James Middleton, 40, Baltimore, MD;

Rasheed Mohammed, 22, Binghamton, NY;

Jesus Rodriquez, 24, Dallas, TX;

Rene Wright, 38, Fort Worth, TX.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HONORING OUR VETERANS ON VETERANS' DAY

Ms. COLLINS. Mr. President, on November 11th, people across the United States will celebrate Veterans' Day—a day in which we pause to remember and to honor the brave men and women who served their country in our armed forces.

November 11th also marks the anniversary of the armistice that ended World War I, a conflict that promised to be the "war to end all wars." Unfortunately, the peace that followed World War I was short-lived. The world soon was plunged into the cauldron of World War II, followed by the terror of the Cold War—played out on so many fronts, most tragically in Korea and Vietnam. Today we face continued threats to our liberty, with outlaw leaders of rogue states waging extremist campaigns against freedom and de-

mocracy, as well as the persistent danger of terrorist attacks—which we have seen all too recently with the USS Cole tragedy.

Indeed, the world is still a dangerous place, and World War I's promise of a lasting, worldwide peace has yet to be realized. The conflicts of the last century remind us that freedom constantly requires great sacrifices and often the lives of those who defend it. It is these patriots, the men and women of our armed forces, who answered the call of service and protected the freedoms we cherish. Although we can never fully repay the debt we owe these courageous Americans, we can and must continue to recognize the price they paid.

This year, Veterans' Day falls just four days after Election Day. I find this particularly fitting, as there is no greater symbol of American liberty than our ability to participate in free and fair elections. Above all else, we owe this freedom to our veterans. Time and again, our democracy has been preserved by these brave men and women.

This Veterans' Day marks another special occasion; the groundbreaking ceremony for the World War II Memorial, to be located on the National Mall in our nation's capital. This monument will stand in recognition of a generation of Americans who served their country so ably in resisting the forces of Nazism and oppression. This was a defining moment in our nation's history, and one to which almost every American feels some connection. My own father is a World War II veteran, and Purple Heart recipient.

Unlike my father, however, many Americans did not return home from this noble campaign. They were the duty-bound sons and daughters of our nation, who made the ultimate sacrifice for their country and for freedom. In the words of President LINCOLN, they "gave the last full measure of devotion," and we must uphold the memory of their heroism with respect, with reverence, and with our heartfelt admiration.

This is the purpose of Veterans' Day. Although mere words do not pay adequate tribute to the sacrifices our veterans have laid upon the altar of freedom, the knowledge of their noble deeds lives in the hearts and minds of those who are free—and shall not be forgotten.

HOUSE PASSAGE OF S. 3164

• Mr. LEAHY. Mr. President, I would like to commend Senator BAYH for his efforts on S. 3164, the Protecting Seniors from Fraud Act, which the House passed today. This bill, which I cosponsored along with Senators GRAMS and CLELAND, will greatly assist federal, state, and local efforts to crack down on crime committed against older Americans. Although I wish the Congress had also acted on additional proposals to protect elderly Americans, including S. 751, the Seniors Safety Act,

I am glad that we were at least able to pass this legislation.

I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago. The Judiciary Committee refused to hold hearings on this bill, which provides a comprehensive approach to a variety of problems affecting seniors today.

Thankfully, the Republican majority was less hostile to S. 3164, which includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps.

The Protecting Seniors from Fraud Act includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that when Congress reconvenes in January, we will consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would "be of assistance in a number of ways." I have urged the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress has declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes

provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS, and CLELAND for working to take steps

to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I urge consideration of the Seniors Safety Act. It would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.●

DEPARTMENT OF DEFENSE VACCINE ACQUISITION STRATEGY

Mr. HUTCHINSON. Mr. President, I rise today to notify my colleagues of my efforts to change the Department of Defense's vaccine acquisition strategy. You see, it is my belief that the BioPort/anthrax debacle provides lawmakers with an excellent case study, one which illustrates that the Department's present policy of relying on the private sector to provide vaccines critical to the protection of our men and women in uniform is fatally flawed and must be changed. There exists a growing consensus that the Department of Defense must shoulder the responsibility and begin to produce biological warfare vaccines for itself.

In the early 1990's, in the aftermath of the gulf war, recommendations were presented to senior Defense Department acquisition officials to fulfill the urgent demands of war-fighters to develop vaccines against biological agents. One of the principal recommendations was for the construction of a Government-owned, contractor-operated (GOCO) vaccine production facility. Detailed and thoughtful studies presented many merits to the GOCO approach. Without listing all of its merits, I will point out that the GOCO option would guarantee the country access to a vaccine supply immune from the foibles of a profit-driven pharmaceuticals industry.

For reasons that remain a mystery to this day, the Defense Department did not elect to pursue the safer, GOCO option. Rather, the Department chose to contract with a private-sector entity we now know as BioPort, for the vaccine against the biological agent anthrax.

Since embarking on this acquisition strategy, events have proceeded as many had feared they would; disastrously. Last summer, the Defense Department awarded the BioPort corporation extraordinary contract relief to a previous contract for the production and vulnerable storage of the anthrax vaccine. The terms of the contract relief reduced the number of doses of vaccine to be produced by one-half, charged the U.S. taxpayer almost three times as much as was originally negotiated, and provided BioPort with an interest-free loan of almost \$20 million. BioPort officials have stated that even this may not constitute enough support. I question the fitness of whoever negotiated such a horrendous arrangement on behalf of the American taxpayer.

In July, because of BioPort's continuing troubles, the Department was forced to dramatically scale back the scope of Phase One of the immunization program because the rapid rate of vaccinations threatened to consume the last of the Department's stockpile of FDA approved vaccine. Now, only those personnel who are deployed to high-threat regions, such as the Persian Gulf and the Korean Peninsula, will receive vaccinations. As it appears increasingly apparent that neither additional lots of vaccine, nor the new production line in East Lansing, will receive FDA approval anytime soon even this dramatically reduced effort may completely exhaust the Department's supply of vaccine, leaving our troops vulnerable.

As the Department is preparing to transition into production of the first of more than a dozen new bio-war vaccines developed under the Joint Vaccine Acquisition Program, it was apparent to me that unless we wish to repeat the mistakes of the past, a new acquisition strategy is urgently needed.

My colleagues and I on the Senate Armed Service Committee are making efforts to prevent the Defense Department from continuing to pursue a flawed acquisition strategy. Through oversight hearings and legislative provisions within the national defense authorization bill, we are actively providing the Department with some much needed guidance.

On April 14, I chaired the second of three committee hearings on the topic of vaccine production. During that hearing, DOD personnel who had advocated the GOCO route in the early Nineties, and were overruled, were given the opportunity to testify. Their testimony is perhaps the most important the committee has received all year on this topic.

At a third committee hearing, conducted in July, the Department announced that it had published a solicitation for a second-source of the Anthrax vaccine. As the Department received only cursory inquiries from the pharmaceutical industry during the required thirty day period, this effort appears to have failed.

In response to the testimony received by the committee, I drafted section 221 of the Senate's fiscal year 2001 national defense authorization bill. Section 221 requires the Secretary of Defense to conduct a reevaluation of the present vaccine acquisition. The report will include an evaluation of the commercial sector to meet DOD's vaccine requirements and a design for a Government-owned, contractor-operated vaccine production facility.

Section 221 also notes that a significant body of work regarding this topic was assembled in the early 1990's including Project Badger, which recommended that a GOCO vaccine production facility be constructed at the Pine Bluff Arsenal in my home state of Arkansas.

I am pleased to report that the provision was retained in the conference report which the Congress voted to send to the President for his signature.

In addition to hearings and legislative provisions, I have begun a dialog with numerous personnel within the Office of the Secretary of Defense. I would be remiss if I did not mention the many productive conversations I have had with the Under Secretary of Defense, Rudy deLeon. Because Secretary deLeon is relatively new to his position and has little ownership over the flawed decisions of the past, he has been very willing to explore alternative acquisition strategies including the solution I favor: construction of a Government-owned, contractor-operated vaccine production facility. As evidence of his commitment to find a solution, vaccine production was the first topic discussed by the Defense Resources Board, which Secretary deLeon chairs, when it met to begin its preparation of the Defense budget submission for fiscal year 2001.

I have encouraged Secretary deLeon to include \$25 million in the fiscal year 2002 Defense budget submission for R&D, in addition to \$400 million in the next version of the Department's Fiscal Years Development Plan, to cover construction costs. To ensure that funding for this project does not come at the expense of other critically needed bio-defense programs, I will soon meet with the Director of OMB. I am hopeful that I can explore with Mr. Lew ways to increase the top-line of the Defense budget to cover the expense of this project.

For too long DOD has pursued a flawed acquisition strategy that is a disservice to both the American taxpayer and our men and women in uniform. The Department must be weaned from its dependence on the private sector for the provision of critical biological warfare vaccines.

FIREARM HOMICIDES

Mr. LEVIN. Mr. President, last week I submitted a list of some of the high profile shootings that took place over the past two years and the casualties that occurred as a result. That list was long, far too long. The number of shootings, in schools and public places, have claimed the lives of too many Americans, especially our young people.

I believe all of us want to know why children in the United States seem more vulnerable to gun violence than children in other industrialized nations? Some would argue that it is because American children are watching movies and television programs that are disturbingly violent. Some say that our children are lacking in religious influences. Certainly, these may be factors, and we should do everything we can to steer our kids in the right direction, but if we are going to protect children's lives, we must first and foremost limit our children's access to guns.

I have repeatedly made the point that Canadian children, who play the same video games and watch the same movies are much safer than their American counterparts. The reason—Canadian laws successfully limit minors' access to firearms while American laws do not.

How else can one explain that during the year 1999 in Detroit, Michigan there were 337 homicides committed with firearms (Source: Michigan State Police). For the same year, in Windsor, Ontario, a city less than half a mile away from Detroit, there was just a single firearm homicide (Source: Windsor Police Services). In one year, 337 firearm homicides in Detroit versus one in Windsor, even though the children in these cities often listen to the same radio stations and watch the exact same television programs. That is a shocking statistic, one that should jolt this Congress to action. Unfortunately, to my great disappointment, this Congress will adjourn without doing a single thing to protect our children from gun violence in Detroit or anywhere else in America.

EXPLANATION OF ABSENCE

Mr. ROCKEFELLER. Mr. President, I was absent from the Senate on the morning of Friday, October 27, 2000, during the vote on the motion to proceed to consideration of the conference report accompanying H.R. 2415, which contains the pending bankruptcy reform legislation. I was unable to return to the Senate in time for this unscheduled vote due to a commitment Friday morning in Charleston, West Virginia. Had I been in attendance in the Senate during that vote, I would have voted to proceed to the bankruptcy legislation.

My vote would not have changed the outcome of the vote on the motion to proceed.

ADDITIONAL STATEMENTS

THELMA RIVERS CELEBRATES 115TH BIRTHDAY

• Mr. HOLLINGS. Mr. President, it is with great pleasure that I recognize South Carolina's Thelma Frazier Rivers who will celebrate her 115th birthday on Nov. 3. Mrs. Rivers was born in Darlington County in 1885 and now lives in nearby Timmonsville in Florence County. She and her late husband, Horace, had 22 children and many of them, as well as plenty of grandchildren and great-grandchildren, will help her celebrate this remarkable occasion. Throughout her life, Mrs. Rivers has enjoyed working in her yard and serving at her church, Bethlehem Baptist, in Timmonsville. She was blessed with a beautiful singing voice which she has passed down to her children and grandchildren. She also has a flair for any kind of handiwork, including quilting, and she still enjoys sewing. "Everyone in Timmonsville knows

Thelma," one of her daughters explained, and rightly so; Mrs. Thelma Rivers is truly a treasure. My wife, Peatsy, and I wish her continued health and happiness and the most joyful of birthdays.●

TRIBUTE TO KENNERLY ELEMENTARY SCHOOL

• Mr. ASHCROFT. Mr. President, I rise today to congratulate Kennerly Elementary School, in St. Louis, MO. Kennerly is one of nine schools to be named recently to the 2000 National Schools of Character in recognition of its exemplary work to encourage the social, ethical and academic development of its students through character education.

Sponsored by the Character Education Partnership, National Schools of Character is an annual awards program recognizing K-12 schools and districts demonstrating outstanding character education initiatives and yielding positive results in student behavior, school environment, and academic performance. Kennerly exemplifies its school motto "Friends Learning Together" by involving students, teachers, parents, and the community. Included in Kennerly's character education programs are a Character Plus Team, a Character Club, and a Character Cabinet.

As a strong supporter of character education, I am pleased to see that Kennerly's Character Education program has produced great results, both in academics, and in the social climate of the school. Academic performance has increased, and discipline problems have decreased. I have fought to increase the amount of funding available for character education because schools like Kennerly have demonstrated that character education programs increase the value of education for all our children and enhance our communities. It is truly a privilege for students to attend schools like Kennerly.

So, I extend my congratulations to Kennerly Elementary School in St. Louis, Missouri, for its outstanding character education programs.●

IN RECOGNITION OF PROJECT ACORN

• Mr. TORRICELLI. Mr. President, I rise today to salute the charitable efforts of Project Acorn, a non-profit organization that works to place and fund children in two-year preschool scholarship programs. What started out as Stuart and Jill Lasser's individual act of kindness has become an expanded effort throughout Morris County and now across New Jersey to help families who cannot afford quality preschool education. The couple's lofty objectives and hard work enabled the organization to flourish over the past five years through partnerships with benefactors, volunteers, and area preschools.

Education has been, and continues to be, the cornerstone of opportunity and advancement in American society. Preschool education provides the foundation and many of the basic tools that children need to succeed. Study after study has shown a direct correlation between high-quality early childhood education and success in life. All of these studies on the effects of preschool education have shown higher short-term and long-term gains such as higher I.Q. scores and a greater likelihood of graduating from high school and college.

Project Acorn has provided hundreds of families with the critical resources necessary to place their children in a variety of preschool programs. These scholarships defray the costs of preschool education and thereby "plant the seeds for a better community, one child at a time."

Project Acorn has helped many young individuals in Morris County. It serves as an excellent example of what can be accomplished by concerned citizens who have identified an urgent need within their community, and it is an honor to recognize their vision and compassion.●

U.S. CAPITOL POLICE OFFICER OLIVER ANDERS RETIRES

● Mr. COCHRAN. Mr. President, the Senate will be diminished considerably when one of my favorite U.S. Capitol Police Officers, Andy Anders, retires at the end of this month.

When I first met Andy, the day I was sworn in as a Senator, he was one of the so-called Fearless Five. Those were the officers who were stationed just outside the entrance to the Senate chamber near the elevators. That was his post for 19 years.

Even though he is called Andy, his real name is Oliver Anders. His hometown is Greer, South Carolina, and the first vote he ever cast was for Senator STROM THURMOND. As you can see, Andy is a man of very good judgment.

For the last five years Andy has been assigned to the fourth floor of the Capitol outside the Senate Security spaces. He is one of the most trusted and dependable members of the U.S. Capitol Police force.

He is also a well informed student of American history. When I learned he planned to visit my State during his vacation several years ago, I suggested some special sites for him to see in Vicksburg, Natchez and Jackson. My Administrative Assistant, at that time, Wiley Carter, who was also a great friend and admirer of Andy, went with him to the State Capitol and introduced him to the Speaker of the State House of Representatives and other officials and also arranged a tour of the Governor's Mansion. Of course, Andy enjoyed all of this special attention. But, he deserved it.

We don't do enough in my opinion for those who work hard and faithfully every day to make the Senate a safe

and secure place to work. Since he began his career with the U.S. Capitol Police on November 4, 1974, Oliver Anders has been one of those you could always count on to be at his post, carrying out his important responsibilities, with a smile and kind greeting for all Senators, and their constituents.

We will miss him greatly, but we won't forget him or the excellent way he performed his duties. I wish him much happiness and satisfaction in the years ahead.●

35TH ANNIVERSARY OF VISTA

● Mr. ROCKEFELLER. Mr. President, I am very proud that VISTA is celebrating its thirty-fifth anniversary this year. VISTA is special for me because it was my work in VISTA that brought me to West Virginia and changed the course of my career.

Because of my work in Emmons, WV, as a VISTA worker, I decided to make West Virginia my home and public service in government my life. In Emmons, I worked for a community center, preventative health care, and fought to get a school bus so those teens would get a high school education. From the grassroots, I learned how government can improve the quality of life in a community. I pursued a career in government, beginning with a seat in the West Virginia House of Delegates. My work in Emmons was very meaningful, and it changed me. I have stayed in touch with the people of Emmons and joined them this summer to celebrate the community finally getting clean water.

I have also stayed in touch with VISTA and was delighted to participate in the VISTA anniversary events, as many former VISTA workers did.

Mr. President, I ask to print in the RECORD, the remarks of John E. Gherty, president and CEO of Land O' Lakes, Inc., and more importantly a former VISTA worker. His remarks outline the history of VISTA and capture its vision for the future.

The remarks follows:

OCTOBER 13, 2000

Good afternoon, and thank you for the opportunity to be with you to celebrate the 35th anniversary of VISTA—now a proud part of AmeriCorps.

I wanted to participate in this celebration for a couple of very important and very personal reasons.

First, because I truly believe in the principles behind VISTA and AmeriCorps. I take considerable pride in the program's 35 years of accomplishment—and in my own participation some 32 years ago. I'll tell you more about that in just a few minutes.

My second reason for being here is even more personal. It's because the youngest of my three daughters, ten-year-old Katherine, told me it was important for me to be here. Let me explain.

Originally, I thought I might be addressing this group on the weekend, and that I might bring Katherine with me. One evening about six weeks ago, I got home somewhat late and went up to her room to say goodnight. It seemed like the right time to ask her if she would like to take a trip to Washington, DC.

Like most ten-year-olds, she responded with a question of her own. "What for?"

I told her I was considering speaking to a group called AmeriCorps, which was the successor to VISTA.

Her response—and you parents will understand this, was another question of her own—"What's AmeriCorps or VISTA do?" I told her it was an organization formed to help people in need in the United States—and that it dealt with issues like poverty, hunger, health care and housing.

Her eyes lit up with understanding, and without hesitation, she said "Dad, you should go."

I tell you this story because I believe Katherine's almost instant understanding serves to reinforce the fundamental importance and value of what each of you has accomplished or is committed to accomplishing as VISTA alumni and AmeriCorps participants.

This afternoon's program brings together a unique mix of new AmeriCorps/VISTA participants and VISTA alumni.

As one of those alumni, I have a message for all of the new participants. What you accomplish during today's working sessions, and the work you put in during the coming year, will make a difference.

It will make a difference not just in the lives of those who benefit from the services you develop and provide—but in your lives as well.

That, in fact, is what this three-day celebration is all about . . . recognizing the ongoing difference VISTA has made in the lives of the millions of people who have been served by its programs, as well as in the lives of the 130,000 VISTA alumni who delivered those programs.

Let me take just a few minutes to reflect on my own VISTA experience.

I remember when President Kennedy announced the formation of the Peace Corps back in 1962. I was a student at the University of Wisconsin . . . an institution rightfully known for the quality of its education and the strength of its activism.

I recall being impressed with the concept of the Peace Corps, and being convinced it was something I wanted to do once I finished school. After graduating from business school and entering law school, I was even more convinced that public service was not only a personal opportunity, but—quite simply—just the right thing to do.

It was at about that time that VISTA—then referred to as "The Domestic Peace Corps"—was formed.

When I completed law school, I sought out public service opportunities and was offered the chance to serve with the Peace Corps in Ethiopia or Botswana. I felt very strongly, on a personal level, about the importance of giving a priority to addressing our needs here at home. So, I focused my energies on becoming part of VISTA.

I soon found myself—fresh out of law school at the University of Wisconsin and not really that far removed from my family's Western Wisconsin farm—on my way to Chicago to work out of the Henry Booth House, which was part of Hull House, in the Ickes public housing development on Chicago's South Side.

How much of a culture shock was that? For those of you who aren't familiar with the South Side of Chicago, Folk singer Jim Croce—in his song "Bad Bad LeRoy Brown"—referred to the area as "the baddest part of town."

On the surface, that was a pretty apt description. It was a tough, poverty-stricken, inner-city neighborhood, where Black Power was an influential and powerful force—and for good reason.

It was a pretty challenging environment for a fresh-out-of-school, Caucasian, farm-

kid from Wisconsin. I can tell you truthfully that there was considerable community skepticism regarding my intentions and my motives.

As you can imagine, my VISTA involvement proved to be a truly eye-opening experience.

It was also tremendously rewarding, knowing that I was contributing to the future of what I came to think of as my South Side community—that I was helping to establish programs and services that would continue to benefit the neighborhood after I was gone.

It was also a significant learning experience. In fact, I am absolutely convinced that my personal VISTA “take-aways” matched, and probably even exceeded, what I gave to the program.

When I think about what I learned during my VISTA involvement, five things come to mind almost immediately:

The absolute importance of taking responsibility and creating opportunity;

The essential role of teamwork and team building;

The importance of building effective alliances;

The strength that can be found in diversity; and

The need to identify leaders and build leadership skills.

These were critical elements in my ability to fulfill my role with VISTA ... and over the years I have found them to be the critical building blocks for success, no matter what the endeavor or organization.

Let's look at these five concepts—starting with the importance of taking responsibility and creating opportunity.

My VISTA involvement taught me that, to truly succeed, you must take personal responsibility for getting the job done. I saw the importance of sizing up the issues and—in an environment where there were not a lot of rules or precedents to follow—taking the initiative in ways that made a difference.

My participation in VISTA also taught me that long-term success depends on the ability to create opportunity. The success of VISTA programming is not based on “hand-outs,” it's based on creating opportunities for people to better themselves.

I can guarantee—from personal experience on Chicago's South Side—that given the opportunity to succeed, and even the slightest bit of sincere encouragement, people will take advantage of it.

For example, when I arrived at the Ickes public housing development back in 1968, food prices and food quality were significant issues. Poverty and mobility limited residents' choices.

Working with community residents, we formed a volunteer-led food buying club focused on bringing higher-quality, fairly priced groceries into the neighborhood.

Very quickly we had a crew of volunteers in each building taking weekly grocery orders from fellow residents and additional volunteers turning their apartments into food distribution centers.

We were able to leverage our volunteer force and our increased buying power to make higher-quality groceries available at better prices. Just as important, perhaps, the residents had a new sense of self-esteem—of knowing they could take control—that they could have a say in community quality of life.

The program gave them the opportunity to succeed and they took advantage of it.

VISTA also gave me new insight into the importance of teamwork and team building. I learned that one of the first elements in being successful at anything is to recognize that you simply cannot do it all alone.

In VISTA, I quickly recognized the importance of going out into the community and

identifying the team players—those with the skills, the commitment and the spirit to get the job done—and getting them on your team.

I also learned a great deal about the importance of building effective alliances—and that sometimes you find strong allies where you least expect them.

Going back to the issue of food quality and prices. There was a particular grocery chain which was taking advantage of its location and the limited resources of neighborhood residents. High prices and very poor quality meat and produce were the rule—not the exception.

In our wisdom—or perhaps our ignorance—our VISTA team decided to organize a picket line at the store to bring attention to its shortcomings. It was a tense situation, and we actually feared for our safety and that of the residents who were supporting us.

At that same time, a gang called The Blackstone Rangers—known for years as an intimidating “take no prisoners” organization—was making a real effort to change their image. The most outward signs of that effort were their donning of distinctive red berets and the changing of their name to the Peacestone Rangers.

Well, they decided to make our cause their cause—and with these allies on the picket line, the balance of power shifted in the community's favor.

My VISTA involvement also taught me the strength that can be found in diversity. I learned that by bringing together people of different cultures, different viewpoints and different skills in pursuit of common goals, you can bring even greater force to bear on those goals.

I also learned that when you are getting your hands dirty in pursuit of a common goal, people very quickly forget whether you are white, black, young or old, from the farm or the city.

Once you roll up your sleeves and get down to the task at hand—diversity is not a problem, it is a powerful problem-solving tool.

Finally, VISTA taught me a lot about leadership. I'm not talking just about how to best exercise my own leadership role—but also about identifying existing and potential leaders and building leadership skills in the community.

I learned that to succeed, you must drive leadership skills throughout the organization—and you must give those new leaders responsibility and authority.

Believe me, I met lots of strong, effective leaders on Chicago's South Side. Some were single mothers with babies balanced on their hips, others were experienced organizers from the Reverend Jesse Jackson's Operation Breadbasket, and still others were elderly couples who had lived their entire lives in a neighborhood they refused to give up on. Yes, and some were even wearing the red berets of the Peacestone Rangers.

They were all different, but they all shared a vision, and an ability to motivate others in pursuit of that vision. They were true leaders—and our team of VISTA volunteers would have accomplished very little without them.

Were these important lessons?

I think all the VISTA participants from the past 35 years would agree that the lessons they learned in VISTA—the insight they gained and the skills they honed while serving the community—helped prepare them for success, no matter what course their lives took.

To this day—more than 30 years later—my own service with VISTA continues to have an impact on my life and my career.

I continue to believe with a passion that corporate social responsibility is absolutely non-negotiable. No matter what business you

are in—the recognition of corporate social responsibility must be part of your core values and an essential element in your organizational vision.

And, I'm not just talking about corporate and foundation giving—or the encouragement of community service and volunteerism. I'm also talking about the way you treat employees, customers and owners; the ethics and values you bring to your business practices; the respect you show for the environment.

That's why, at the company I work for today—Land O'Lakes—we have included being our customers' first choice; our employees' first choice; responsible to our owners; and a leader in our communities as critical elements in our vision of being one of the best food and agricultural companies in the world.

Our extended vision statement states clearly that—We recognize our responsibilities to the communities in which we operate. And that we will be proactive in dedicating resources to build a better quality of life, operate in an ethical and environmentally sensitive manner and live by our values.

What about our internal community—our employees? Again, in our vision, we state clearly that “We believe in respecting diversity and in encouraging teamwork, involvement, development and empowerment of all employees.

What does all this sound like? It sounds very much like my personal takeaways from VISTA—taking responsibility; creating opportunity; building teams, teamwork and effective alliances; and developing leaders and leadership.

In just a few minutes, you are going to break into work groups and tackle the task of developing Pilot AmeriCorps VISTA projects for 2001 and beyond.

I urge you to be aggressive and ambitious in those deliberations. To recognize that, in a time of what many call unprecedented prosperity—there is still significant poverty in America. In fact, approximately 32 million Americans—one in nine—live on incomes below the poverty level.

I believe today's combination of prosperity and poverty makes each and every American's social responsibility even more demanding.

We must ask ourselves, in a nation as prosperous as ours:

Why do children still go to school hungry?

Why are so many still homeless?

Why are so many citizens isolated from health care by economics or geography?

Why is quality education or training still out of the reach of so many individuals desperately trying to better themselves?

In short, we must ask ourselves the tough questions—and then come up with the right answers—the programs it will take to address these issues—the programs that will close the gap between prosperity and poverty.

No one is going to do it for us. We must each take this responsibility, first as individuals and then as part of larger communities and organizations. But then again, that's why you are all here—because you are willing to take that responsibility, to act in ways that can truly make a difference.

I applaud that willingness and, seeing the spirit in this room, I am confident what you are doing will make a significant difference in communities across America.

Since we are meeting in our nation's Capitol, I'd like to close my remarks with a comment from a speech by former President Woodrow Wilson.

“You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement.

You are here to enrich the world, and you impoverish yourself if you forget this errand."

As VISTA celebrates 35 years of service, and embarks on year 36 as AmeriCorps VISTA, it is clear to me that the program and its people remain clearly focused on that task—on enabling the world to live more amply, developing a greater vision for all and generating a finer spirit of hope in communities across our nation.

Ultimately, the lives of each of you—and of the people you touch—will all be richer for it. I can guarantee it—and my daughter Katherine would agree.●

IN MEMORY OF DR. MICHAEL ASSEY

● Mr. HOLLINGS. Mr President, I rise today to remember one of South Carolina's finest doctors, Michael E. Assey, who passed away on October 28. A graduate of Georgetown University's School of Medicine, Michael joined the staff of the Medical University of South Carolina (MUSC) in 1979 and rose to the position of Professor of Medicine, Chief of Cardiology. In 1998, he was named to the "Best Doctors in America" list. He served as governor of the American College of Cardiology and as president of the S.C. affiliate of the American Heart Association. Michael also authored numerous medical articles and medical textbook chapters. While at MUSC, he received the prestigious Golden Apple Award for excellence in teaching. The President of MUSC, Raymond Greenberg, said, "his professional legacy lies in the generation of young doctors who, as Michael Assey's students, not only learned clinical skills, but compassion and commitment." With Michael's passing, the Medical University has lost a great doctor and great teacher and South Carolina has lost a great man. My wife, Peatsy and I send our thoughts and prayers to Michael's devoted wife, Valerie, and their two children.●

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 30, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2000, he had presented to the President of the United States the following enrolled bills:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

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-11369. A communication from the Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report on audit and investigative activities for fiscal year 2000; to the Committee on Governmental Affairs.

EC-11370. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 26, 2000; to the Committee on Governmental Affairs.

EC-11371. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report concerning the inventory of commercial activities; to the Committee on Governmental Affairs.

EC-11372. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning Requirements for Digital Television Receivers" (ET Docket No. 99-254, FCC 00-259) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11373. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled

"Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radio-navigation Service at 31.8-32.3 GHz (ET Docket No. 98-197)" (ET Docket No. 98-197, FCC 00-353) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11374. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D. 100300B) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11375. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Commercial Haddock Daily Trip Limit" received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11376. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures. Emergency Rule" (RIN0648-A067; I.D.091100A) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11377. A communication from the Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program: General Grant Administration Terms and Conditions of the Coastal Ocean Program" (Docket No. 000817236-01) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11378. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to pilot records; to the Committee on Commerce, Science, and Transportation.

EC-11379. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Final Indirect Cost Rates" received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11380. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Exemption From Premarket Notification; Class II Devices; Triiodothyronine Test System" (Docket No. 00P-1280) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11381. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Labeling for Menstrual Tampon for the "Ultra" Absorbency" (Docket No. 98N-0970) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11382. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (Cohort Default Rate)" (RIN1845-AA17) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11383. A communication from the Acting Assistant General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Leveraging Educational Assistance Partnership Program" (RIN1845-AA18) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

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-631. A petition from a citizen of the State of Texas relative to the "Latino and Immigrant Fairness Act of 2000"; to the Committee on the Judiciary.

POM-632. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to "The Mighty Eighth Air Force Week"; to the Committee on the Judiciary.

SENATE RESOLUTION No. 119

Whereas, formed and dispatched to England in 1942, the Eighth Air Force became the largest military unit in World War II, with more than 350,000 personnel; and

Whereas, the Eighth Air Force, which has become known as "The Mighty Eighth," continues to this day as an operational combat unit, having been served by more than 1 million men and women in war and peace; and

Whereas, not a single Mighty Eighth Air Force mission was ever turned back due to enemy resistance; and

Whereas, more than 26,000 men and women who served with the Mighty Eighth Air Force were killed in action, and more than 28,000 prisoners of war and countless veterans are still missing; and

Whereas, during the week of October 8 through 14, 1943, the Mighty Eighth Air Force lost 148 heavy bombers to enemy resistance over the skies of Europe; and

Whereas, despite significant losses, this period is credited as a turning point for the continuation of daytime strategic bombing over Europe; and

Whereas, the Eighth Air Force Historical Society holds its annual reunion each October; and

Whereas, more than 20,000 Eighth Air Force Historical Society members seek to inform younger generations of the contributions and sacrifices of all veterans; and

Whereas, each year during the week of October 8 through 14, Mighty Eighth Air Force veterans and friends display items in memory of fellow veterans and those men and women who made the supreme sacrifice; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to proclaim and designate the week of October 8 through 14 this year and each year hereafter as "The Mighty Eighth Air Force Week"; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-633. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to the Balanced Budget Act of 2000; to the Committee on the Judiciary.

SENATE RESOLUTION No. 204

Whereas, Medicare was enacted in 1965 as a social insurance program providing health care benefits to older Americans and individuals with disabilities; and

Whereas, the program serves 39 million beneficiaries nationwide; and

Whereas, there are currently 2,129,756 Medicare eligible citizens in the Commonwealth of Pennsylvania and 589,070 Medicare HMO enrollees; and

Whereas, the Balanced Budget Act of 1997 ensures the financial health of the Medicare program until 2008; and

Whereas, the Balanced Budget Act of 1997 created the Medicare Plus Choice program to expand managed care options for beneficiaries and protect health care access, affordability and quality; and

Whereas, the implementation of the Medicare Plus Choice program has been carried out as intended by Congress; and

Whereas, six of the 13 Medicare insurers in Pennsylvania have announced that they will terminate their Medicare contracts completely or reduce their counties served in 2001 because of inadequate Medicare payment rates and methodology as well as program overregulation; and

Whereas, approximately 58,000 beneficiaries in 29 counties will be impacted, resulting in a 10% decrease in the number of Medicare eligible HMO enrollees; and

Whereas, several Medicare insurers have announced plans to reduce benefit levels and increase premiums in 2001 in response to inadequate payment rates and methodology as well as program overregulation; and

Whereas, hospitals and health systems in Pennsylvania are facing a \$3.6 billion cut in Medicare reimbursements, and more than four out of five hospitals are unable to cover operating expenses with patient revenues; and

Whereas, inadequate Medicare payments as a result of the Balanced Budget Act of 1997 are directly impacting beneficiaries' ability to retain health care coverage and choose their healthcare plan; and

Whereas, in light of an anticipated Federal budget surplus, Congress has an opportunity to ensure that the original goals of the Medicare Plus Choice program are achieved and that Medicare beneficiaries have access to affordable, quality health care in their communities; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to enact additional Balanced Budget Act relief in 2000 through adequate payments to Medicare insurers and Medicare providers.

POM-634. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the strengthening of the Medicare+Choice program; to the Committee on Finance.

HOUSE RESOLUTION No. 609

Whereas, the Congress of the United States created the Medicare+Choice program under the Balanced Budget Act of 1997; and

Whereas, the intent of Congress in creating Medicare+Choice was to allow beneficiaries to have access to a wide array of private health plan choices in addition to traditional fee-for-service Medicare; and

Whereas, at the end of 1999, more than 560,000 Pennsylvanians were enrolled in a Medicare HMO; and

Whereas, in late July 2000, the Health Care Financing Administration (HCFA) released information on Medicare HMO contract renewals, service area reductions and terminations; and

Whereas, in Pennsylvania, these changes will affect approximately 90,000 beneficiaries Statewide; and

Whereas, almost 15,000 of these individuals must return to the Medicare fee-for-service program since there is no other Medicare HMO available in their county of residence; and

Whereas, given the losses Medicare HMOs have experienced over the past several years, the number of HMOs serving Medicare beneficiaries continues to decline; and

Whereas, the Medicare Payment Advisory Commission (MEDPAC) does not support raising the Medicare+Choice floor payment rate to slow the rate of health plan departures from the program; and

Whereas, Medicare+Choice plans are not receiving adequate resources to provide beneficiaries the benefits they need and deserve; and

Whereas, Medicare beneficiaries value the high quality, affordable health care coverage they receive through Medicare+Choice plans; therefore be it

Resolved, That the House of Representatives memorialize Congress to enact legislation which strengthens the Medicare+Choice program by reducing administrative requirements in the program, increasing payment rates to HMOs to a level which accurately reflects the costs of providing benefits to recipients in the program and providing for prescription drug coverage; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-635. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the Health Care Financing Administration; to the Committee on Finance.

HOUSE RESOLUTION No. 617

Whereas, over a half million senior citizens across the Commonwealth of Pennsylvania have been severely affected by the problems of Medicare HMO withdrawals, increases in premiums and decreases in benefit packages effective January 1, 2001; and

Whereas, this year 65 managed care companies chose not to renew their Medicare+Choice contracts for 2001; and

Whereas, seniors on fixed incomes who rely on their Federal and State Governments to provide them with some measure of health care protection are now facing extreme uncertainty; and

Whereas, approximately 577,000 Pennsylvania seniors who are members of a Medicare HMO are facing substantial plan coverage changes effective January 1, 2001; and

Whereas, ninety thousand of these seniors in 38 counties across this Commonwealth are being dropped from their HMOs; and

Whereas, thousands of seniors living in a county from which their Medicare HMO is not withdrawing may be dropped from their plan because their county code for Social Security purposes or their zip code, or both the county code and zip code, is identified as being in the neighboring county from which the Medicare HMO is withdrawing; and

Whereas, many of these seniors may not have received information that they need to ensure that these county code or zip code or both code problems are corrected, and other seniors are consistently receiving misinformation from their Medicare HMO regarding the status of their coverage as of January 1, 2001; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Health Care Financing Administration and health insurers withdrawing their Medicare HMO coverage in any

county within Pennsylvania to take immediate steps to ensure that subscribers who live in a county that is not impacted by the insurer's withdrawal are not mistakenly dropped from their plan; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Health and Human Services, the members of Congress from Pennsylvania, the Secretary of Aging of the Commonwealth, the Insurance Commissioner of the Commonwealth and each health insurer offering Medicare HMO coverage in Pennsylvania.

POM-636. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 215

Whereas, several committees of the Senate of the Commonwealth of Pennsylvania have conducted hearings throughout this Commonwealth attempting to ascertain the casual factors behind the rising costs of prescription drugs as well as the enormous impact on both private and government purchasers; and

Whereas, in recent years the cost of prescription medication has climbed at an astonishing rate, due in part to increased utilization spurred by advertising and promotional activities comparable to Hollywood's finest productions; and

Whereas, the FDA, under the purview and guidance of the Clinton Administration, eliminated necessary restrictions on drug advertising, thereby ending decades of consumer protection; and

Whereas, the FDA, with the consent of the Clinton Administration, allowed these dangerous and wasteful practices to commence, making the United States the only country in the world that allows direct-to-consumer advertising of prescription drugs; and

Whereas, Citizens for consumer Justice, a Statewide consumer group, indicates that these promotions and advertisements, not research and development, are the pharmaceutical industry's fastest growing expenditure; and

Whereas, such increased advertising has been shown to be effective in increasing market share since ten of the most heavily advertised drugs account for almost 25% of total drug expenditures; and

Whereas, the top 25 direct-to-consumer advertised drugs posted sales growth totaling 43.2% in 1999 alone, and such growth clearly exceeds the 13% growth posted by other non-marketed drugs; and

Whereas, increased advertising can create a demand for the product rather than an actual medical need; and

Whereas, grave problems can arise when increased use is merely the result of increased marketing with no corresponding improvement in health; and

Whereas, it appears that increased marketing may prove to be a more profitable investment for manufacturers than further research and development; and

Whereas, in 1999 pharmaceutical companies spent 33 times as much in the direct-to-consumer advertising as they did in 1993, causing expenditures to rise from \$55 million to more than \$2 billion; and

Whereas, prescription drugs are now the fastest growing segment of health care spending, rising 18% from \$79 billion in 1997 to \$93.4 billion in 1998; and

Whereas, in 1999 spending rose 19% from the previous year, and comparable increases are expected to occur in future years; and

Whereas, an industry representative testified that the introduction of a generic prod-

uct immediately lowers a drug's price by 30% to 80%; and

Whereas, the Federal Trade Commission has alleged that some pharmaceutical companies have paid generic drug manufacturers to forego or delay manufacturing of certain medications; and

Whereas, consumers in the United States pay more for the same medication than consumers in other countries as a result of these practices; and

Whereas, the runaway cost of prescription medications affects all Americans, not just Pennsylvanians or the elderly; and

Whereas, constant bombardment of drug advertisements has the potential to have a serious negative effect on children by giving them the distorted message that the consumption of drugs is a desirable behavior which resolves all of life's difficulties, which message is counterproductive at best and counteracts government and community-based efforts to prevent tobacco, alcohol and drug abuse by children; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania implore the Congress of the United States to review the actions of the FDA, whose marketing guidelines appear to promote and advance the best interests of the drug companies and their advertising outlets rather than the American consumer; and be it further

Resolved, That the Congress and the FDA move to prohibit direct consumer marketing or in the alternative to impose tighter restrictions; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the presiding officers of each house of Congress, each member of Congress from Pennsylvania and the Commissioner of the Food and Drug Administration.

POM-637. a joint resolution adopted by the General Assembly of the State of Rhode Island relative to the Reauthorization of the Individuals With Disabilities Education Act; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, The Congress of the United States twenty-five years ago enacted the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with a commitment of forty percent (40%) federal funding of the costs of local school districts and states in carrying out the mandates of the Individuals with Disabilities Education Act ("IDEA"); and

Whereas, The Congress of the United States recognized in 1994 the Congressional "commitment of forty percent (40%) federal funding" and further recognized that it was only federally funded at the rate of eight percent (8%) (20 U.S.C. 6062); and

Whereas, The federal appropriation of \$5 billion for the federal fiscal year ending September 30, 2000 is projected to fund only 12.7% of the cost of carrying out the mandate of IDEA and due to increasing costs, will probably provide even less than 12.7% federal funding; and

Whereas, Local school districts in Rhode Island and throughout the United States are mandated to meet the spiraling costs of carrying out the provisions of IDEA; and

Whereas, The failure of the Congress of the United States to fully fund its original commitment of forty percent (40%) federal funding has placed a severe burden upon local school districts to meet the costs of the federal mandate, resulting in an insufferable burden upon local taxpayers and diversion of funds from other education programs, thus lessening the quality of education; and

Whereas, It is time now, twenty-five years after the enactment of IDEA, that the Congress of the United States appropriate the

funds necessary to fully fund its original commitment to provide forty percent (40%) federal funding of the costs of carrying out the provisions of IDEA; now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States during the reauthorization of the Individuals with Disabilities Education Act to fulfill the original commitment of the Congress of the United States to provide for forty percent (40%) federal funding to local school districts to carry out the mandates of the Individuals with Disabilities Education Act; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to: (1) each member of the Rhode Island delegation in the Congress of the United States; (2) the President of the United States; (3) the President of the Senate in the Congress of the United States; (4) the Speaker of the House of Representatives in the Congress of the United States; (5) the Chairman of the Health, Education, Labor and Pensions Committees in the Senate in the Congress of the United States; and (6) the Chairmen of the Education and the Workforce Committees in the House of Representatives in the Congress of the United States.

POM-638. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to independence from imported petroleum within five years; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 531

Whereas, Earlier administrations resolved to free the United States from dependence upon foreign oil by increasing Corporate Average Fuel Economy (CAFE) standards, promoting energy conservation and efficiency and developing renewable energy sources; and

Whereas, As headlines of oil crises fade into obscurity, so too have government actions to decrease United States reliance on petroleum products; and

Whereas, Tightening in oil markets and the spikes in gasoline and home heating oil prices offer new opportunities to focus on United States dependence upon petroleum imports and the need to find substitute energy sources and technologies; and

Whereas, Our day-to-day, pervasive dependence on foreign oil is ignored at great peril to our economic security; and

Whereas, The national security implications of the United States dependence upon foreign oil influences and foreign policy decisions affecting Israel, other Mideastern countries, Russia and China and many of the world hot spots are constrained by the United States tie to oil; and

Whereas, The United States Government and the United States military must blaze new territory and search new frontiers of knowledge and technology for energy independence that will provide security into the distant future; and

Whereas, Parochial interests must be set aside to invest in true energy security and to consider renewable energy sources that are unconstrained by resource depletion, availability and waste disposal problems in the United States; and

Whereas, The commitment needed to lead to energy independence is the same as that of government to sponsor investment in highways and space exploration, setting the direction for private enterprise to follow; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United

States to recognize that energy security is a national security issue and that oil is a powerful weapon and to develop an energy strategy that promotes alternatives to imported petroleum to meet the goal of independence from foreign petroleum within five years; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-639. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to slave labor/forced labor discussions in Bonn and Washington; to the Committee on Foreign Relations.

HOUSE RESOLUTION

Whereas, Poland was attacked by the German Army on September 1, 1939; and

Whereas, Poland was attacked by the Soviet Army on September 19, 1939 and which joined forces with the German Army in celebration at Brest-Litovsk on the River Bug; and

Whereas, Poland was the object of the secret protocols of the Molotov-Ribbentrop Pact as slated for the unprecedented state sponsored program of ethnic cleansing by the Nazi's and the Soviets; and

Whereas, The Soviets deported nearly two million Poles to the Gulags and Siberia; and

Whereas, The Germans forced nearly 2.4 million Polish citizens from their homes to the German Third Reich Complex of nearly 7000 camps; and

Whereas, Chancellor Shroeder has acknowledged the failings of past settlements to provide equal compensation for all Polish citizens unlike the Russians who refuse to acknowledge any responsibility; and

Whereas, There are citizens of the United States that survived the German and Soviet Programs of Ethnic Cleansing against the Polish Nation; and

Whereas, President Clinton has named Deputy Secretary of the Treasury Stuart Eizenstat as Chairman of the State Department Negotiating Team for resolving the issue of the German Accountability to the victims of the Nazi work programs; and

Whereas, No Polish Americans representation was allowed at the current negotiations as a spokesman on behalf of Polish American survivors; and

Whereas, By reason of not permitting Polish American representation, the State Department has full responsibility for the current state of negotiations; and

Resolved, That Polish Americans' desire that the German Government bring closure to the living survivors of the Nazi atrocities; and be it further

Resolved, That the German Government and the German Industrial Complex which profited immensely from the slave/forced labor program make certain that this final settlement shall establish both an industrial and a Bundestag approved Government fund; and be it further

Resolved, That the German Government and German industry shall ensure that the industrial fund and the approved Bundestag fund combined or separately shall be comprehensive and sufficient in value to equally compensate all surviving victims of the Agrarian, Industrial, Municipal and Service slave/forced labor programs; and be it further

Resolved, That the State Department and Deputy Secretary of the Treasury has a mandate from Polish American survivors to make this final agreement fair, equitable and all inclusive; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit a duly certified copy of this resolution to the President of the United States,

the Presiding Officers of both branches of government, and to Stuart Eizenstat Undersecretary of the Treasury and Chairman of the State Department negotiating committee for Holocaust Victims.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3263. A bill to designate a portion of the federal budget surplus to create and fund the Children's Classroom Trust Fund to increase direct education funding and expand local control of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

HMO GUARANTY ACT OF 2000

Mr. REED. Mr. President, I rise today to introduce legislation that I hope will help states which have been stricken by managed care plan failures to overcome the devastating effects of such an event on the health insurance sector.

Over the past several years, we have seen an alarming upswing in the number of HMO failures across the nation. According to Weiss Rating, Inc., the nation's only provider of financial safety ratings for HMO's, the number of HMO failures grew 78 percent between 1998 and 1999. Furthermore, Weiss found another 10 HMO's were at high risk of failure due to mounting losses and capital deficits. The growing financial instability we are seeing in the managed care market has serious ramifications for state insurance regulators, not to mention hundreds of thousands of Americans who rely on these plans for their health care.

In light of this volatility in the health insurance market, I believe that

the Federal Government can be a constructive and stabilizing force for states dealing with the aftermath of an HMO liquidation. The legislation I am introducing today would create a mechanism that would provide an added layer of protection for providers and subscribers when a participant in the health insurance market fails. Specifically, the bill establishes an HMO Guaranty Fund, which would be used to pay outstanding health care providers' claims for uncovered expenditures and to fulfill contractual obligations made prior to an HMO's bankruptcy. For those families left without health insurance, the fund would also subsidize temporary coverage for subscribers as they seek alternative sources of health insurance.

Many states have responded to a health plan insolvency and the unpaid bills they leave behind by creating a temporary fund designed to at least partially reimburse hospitals and providers for the expenses incurred during the course of providing care to patients. These guaranty funds are typically financed by levying a fairly sizable fee on the remaining health insurers in the state. While this may work in some cases, it is not necessarily appropriate in every circumstance. In other words, not every health care provider and subscriber has the opportunity to access this kind of guaranty fund.

For instance, when Harvard Pilgrim Health Plan of New England failed in my home state of Rhode Island, there was discussion of setting up just such a fund. However, the extremely small size of our insurance market and the few plans that remained in operation simply could not support a bailout of this magnitude. Fortunately, the Rhode Island Insurance regulator was able to reach an agreement with the Massachusetts parent organization of Harvard Pilgrim to pay outstanding provider and hospital claims. Unfortunately, other States might not be as lucky.

It is my view that the Federal Government may be better positioned than an individual State to spread the risk and the premiums required to subsidize the fund across health insurance plans operating around the country. Furthermore, it would also enable both ERISA and non-ERISA plans to be covered under a nationally-based standing fund.

I hope the legislation I am introducing today will mark the beginning of an ongoing discussion that will explore some of the issues surrounding the financial health of HMO's in this Nation. In closing, Mr. President, while it is unlikely that action will be taken on this legislation late in the session. I look forward to working with interested organizations as well as my colleagues to strengthen and enhance the legislation I submit today.

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. 3261

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 "HMO Guaranty Act of 2000".

SEC. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term "Board" means the Board of Directors appointed under section 3(d).

(2) **CONTRACTUAL OBLIGATION.**—The term "contractual obligation" means an obligation by a health maintenance organization, under an agreement, policy, certificate, or evidence of coverage involving a covered individual and the organization, to pay or reimburse the covered individual (or a health care provider who provided items or services to the individual) for services provided prior to the declaration of the insolvency of the health maintenance organization, that remains unpaid at the time of such insolvency. Such term does not include claims by former employees, including medical professional employees, for deferred compensation, severance, vacation, or other employment benefits.

(3) **COVERED INDIVIDUAL.**—The term "covered individual" means an enrollee or member of a health maintenance organization.

(4) **GUARANTY FUND.**—The term "Guaranty Fund" means the Federal HMO Guaranty Fund established under section 3.

(5) **HEALTH CARE PROVIDER.**—The term "health care provider" means a physician, hospital, or other person that is licensed or otherwise authorized by the State to provide health care services, and that provided health care services to an enrollee of a health maintenance organization.

(6) **HEALTH MAINTENANCE ORGANIZATION.**—The term "health maintenance organization" has the meaning given such term by section 2791(b)(3) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(3)).

(7) **HEALTH MAINTENANCE ORGANIZATION CONTRACT.**—The term "covered health maintenance organization contract" means a policy, certificate, or other evidence of health care coverage that is issued by a health maintenance organization.

(8) **INSOLVENT ORGANIZATION.**—The term "insolvent organization" means a health maintenance organization that is declared insolvent by court of competent jurisdiction and placed under the control of a State Commissioner of Insurance for the purpose of liquidation.

(9) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury.

(10) **STATE.**—The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, or any agency or instrumentality thereof.

(11) **UNCOVERED EXPENDITURES.**—The term "uncovered expenditures" means the expenditures for the provision of health care services that are the obligation of a health maintenance organization that have not been paid by such organization and for which no alternative payment arrangements have been made.

SEC. 3. ESTABLISHMENT OF HMO GUARANTY FUND.

(a) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the HMO Guaranty Fund to be used as provided for in this Act.

(b) **AMOUNTS IN FUND.**—

(1) **IN GENERAL.**—There shall be deposited into the Guaranty Fund—

(A) amounts collected under section 5(a);

(B) penalties collected under section 5(b); and

(C) earnings on investments of monies in the Guaranty Fund.

(2) **INVESTMENTS.**—

(A) **IN GENERAL.**—The Secretary of the Treasury shall invest amounts in the Guaranty Fund that are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) **AVAILABILITY OF INCOME.**—Any interest derived from obligations held by the Guaranty Fund and the proceeds from any sale or redemption of such obligations, are hereby appropriated to the Fund.

(c) **USE OF GUARANTY FUND.**—Subject to section 4, amounts in the Guaranty Fund shall be used to make payments to a State—

(1) to pay the outstanding health care provider claims for uncovered expenditures, and to fulfill contractual obligations to covered individuals, with respect to an insolvent health maintenance organization; and

(2) to provide for a temporary continuation of health care coverage for covered individuals.

(d) **BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—The Guaranty Fund shall be administered by a Board of Directors to be composed of 9 individuals of which—

(A) three directors shall be appointed by the National Association of Insurance Commissioners from among individuals who serve as insurance regulators of a State;

(B) three directors shall be appointed by a national association which represents the health maintenance organization industry of all States (as determined by the Secretary) from among representatives of health maintenance organizations; and

(C) three directors shall be—

(i) the Secretary of the Treasury, or the designee of the Secretary;

(ii) the Secretary of Health and Human Services, or the designee of the Secretary; and

(iii) the Secretary of Labor, or the designee of the Secretary.

(2) **TERMS, VACANCIES.**—The members of the Board shall establish the terms of service of the members of the Board appointed under subparagraphs (A) and (B) of paragraph (1). Any vacancy in the Board shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), each member of the Board who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) **TRAVEL EXPENSES.**—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board. Such expenses shall be paid from the Guaranty Fund.

(4) **VOTING.**—Each member of the Board shall have 1 vote. The Board shall set policy and decide all matters by a simple majority of the votes cast.

(5) **CHAIRPERSON.**—The Board shall elect a chairperson from among its members.

(6) **MEETINGS.**—The Board shall first meet not later than 30 days after the date on which all members are appointed under paragraph (1). Subsequent meetings shall be at the call of the chairperson. The Board may hold public hearings after giving proper notice.

(7) **FIDUCIARY DUTY.**—With respect to the members of the Board that are not appointed under paragraph (1)(A), in carrying out the duties of the Board such members shall have a fiduciary duty to the Guaranty Fund that shall supersede any duty to an employer or other special interest that the member may otherwise represent.

(8) **LIMITATIONS ON LIABILITY.**—A member of the Board shall not be liable, or in any way responsible, for the obligations of the Guaranty Fund.

(e) **DUTIES.**—The Board shall—

(1) administer the Guaranty Fund;

(2) adopt bylaws that permit the Board to enter into contracts to receive contributions and make distributions in accordance with this Act;

(3) establish the application criteria and materials necessary to enable a State to submit an application to the Guaranty Fund;

(4) review and make determination on applications received under section 4(b); and

(5) carry out other activities in accordance with this Act.

SEC. 4. EXPENDITURES FROM THE GUARANTY FUND.

(a) **IN GENERAL.**—The Guaranty Fund shall be used to make payments to a State to enable such State to pay the claims of health care providers for health care services provided to covered individuals prior to the declaration of insolvency of a health maintenance organization and to provide for a temporary continuation of health care coverage for such individuals.

(b) **PROCEDURE.**—

(1) **IN GENERAL.**—Upon the declaration by a court of competent jurisdiction that a health maintenance organization is insolvent, the official responsible for regulating health insurance in the State in which the declaration is made may submit an application to the Guaranty Fund for payment under this Act.

(2) **CONTENTS OF APPLICATION.**—An application submitted by a State under paragraph (1) shall include the following:

(A) **LIQUIDATION OF ASSETS AND RETURN OF UNUSED FUNDS.**—The application shall contain an accounting of amounts received (or expected to be received) as a result of the liquidation of the assets of the insolvent organization.

(B) **FUND AMOUNT.**—The application shall contain a request for a specific amount of funds that will be used for the uncovered expenditures and contractual obligations of an insolvent organization.

(C) **UNCOVERED EXPENDITURES.**—The application shall contain an estimate of the aggregate number of uncovered individuals and aggregate amount of uncovered expenditures with respect to the insolvent organization involved.

(D) **CONTINUATION COVERAGE.**—The application shall contain an estimate of the aggregate amount of funds needed to provide continuation coverage to uncovered individuals.

(c) **CONSIDERATION BY BOARD.**—Not later than 30 days after the date on which the Guaranty Fund receives a completed application from a State under subsection (b), the Board shall make a determination with respect to payments to the States.

(d) **LIMITATION.**—The aggregate amount that may be paid to a State under this section with respect to a single uncovered individual shall not exceed \$300,000.

(e) USE FOR CONTINUATION COVERAGE.—

(1) IN GENERAL.—A State may use amounts provided under this section to provide for the continuation of health care coverage for an uncovered individual through a health maintenance organization or other health care coverage that has been determined appropriate by the official responsible for regulating health insurance in the State in collaboration with the Board.

(2) LIMITATION.—The period of continuation coverage with respect to an uncovered individual under paragraph (1) shall terminate on the earlier of—

(A) the date that is 1 year after the date on which the health maintenance organization was declared insolvent; or

(B) or the date on which the contractual obligation of the health maintenance organization to the individual was to terminate.

(f) REPAYMENT OF FUNDS.—The State shall repay to the Guaranty Fund an amount equal to—

(1) any amounts not utilized by the State on the date on which the liquidation of the insolvent organization is completed; and

(2) any amounts recovered through liquidation that have not been accounted for in the application of the State under subsection (b)(2)(A).

SEC. 5. CONTRIBUTIONS TO THE GUARANTY FUND.

(a) ASSESSMENT ON HEALTH MAINTENANCE ORGANIZATIONS.—

(1) IN GENERAL.—Not later than January 1, 2001, and every 6 months thereafter, each health maintenance organization that is licensed by a State to provide health care coverage shall pay to the Guaranty Fund an amount to be determined in accordance with an assessment schedule to be established by the Secretary not later than 180 days after the date of enactment of this Act.

(2) DEFERMENT.—The Board, after consultation with the official responsible for regulating health insurance in the State involved may exempt, abate, or defer, in whole or in part, the assessment of a health maintenance organization under paragraph (1) if the organization demonstrates that the payment of the assessment would endanger the ability of the organization to fulfill its contractual obligations or place the organization in an unsound financial condition.

(3) PROHIBITION.—A health maintenance organization shall not adjust the amount of premiums paid by enrollees to account for the assessment paid under paragraph (1).

(b) FAILURE TO PAY.—A health maintenance organization that fails to pay an assessment under subsection (a)(1) within 30 days after the date on which such assessment was to be paid shall be subject to a civil penalty in an amount not to exceed \$1,000 per day.

SEC. 6. STATE PREEMPTION.

(a) IN GENERAL.—Nothing in this Act shall be construed to preempt or supersede any provision of State law that establishes, implements, or continues in effect any standard or requirement relating to health maintenance organizations.

(b) DEFINITION.—In this section, the term "State law" means all laws, decisions, rules, regulations or other State actions that have the effect of law.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

THE PUBLIC BROADCASTING INTEGRITY ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Public Broadcasting Integrity Act of 2000, legislation that would make the Federal Communications Act's political broadcasting provisions inapplicable to non-commercial educational broadcasting stations.

I believe the current law is well-intentioned to serve the public interest by allowing federal candidates to communicate their views to the general public. However, these provisions are having some unfortunate side effects as federal candidates are exploiting loopholes in the Act to the detriment of public broadcasting. Many Vermonters and my colleagues have seen in recent news reports that public radio and television stations are being forced to give free, uncensored air time to any Federal candidate under provisions of the Federal Communications Act. As a strong supporter of public radio and television, I find this phenomenon disturbing.

I am concerned that this valuable public resource is being commandeered and exploited as a way to get free advertising. Unlike commercial stations, public radio and television are heavily dependent on listener contributions. Many of these listeners are reconsidering their future financial support of these stations if this loophole is not closed and programming is replaced by a flood of political advertising. It seems inevitable that the number of candidates using this avenue will increase dramatically in the next federal election unless we make this minor but important legislative correction.

Mr. President, we can not allow this to happen which is why I am introducing this bill today. I believe this narrowly tailored legislation will close this loophole and preserve the integrity of public broadcasting. I call on my colleagues to join me and support this legislation.

By Mr. LOTT (for Mr. ASHCROFT):
S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

THE RECORDS ACCESS IMPROVEMENTS ACT OF 2000

Mr. ASHCROFT. Mr. President, issues surrounding possession and ownership of firearms have been some of the most divisive in this legislative session and political season. Americans hold a wide range of differing opinions regarding gun rights and responsibilities, and the proper balance of those rights against the need for public safety. But, despite the larger differences, most Americans agree that there are common sense actions that can be implemented to protect the rights of law-

abiding citizens while preventing those with criminal records or histories of violent behavior from access to firearms.

I support the provision in federal law that prohibits certain people from owning or possessing firearms. Under current law, certain categories of persons are unable to purchase guns. These include felons, fugitives from justice, illegal aliens, the mentally incompetent, and persons convicted of crimes of domestic violence. These proscriptions protect law-abiding citizens from those who have demonstrated they cannot use firearms responsibly. This law protects law-abiding gun owners because the fewer people who criminally misuse guns, the less sentiment that there will be to impose more restrictions on lawful gun owners.

In 1994, the Congress passed the Brady Handgun Violence Prevention Act that instituted a system to check whether a prospective gun purchaser, prior to the transfer of a firearms, is ineligible to possess a gun because he or she falls into one of the nine prohibited categories. The permanent phase (phase II) of the Brady Act—that went into effect November 30, 1998—requires an instant background check be done on the buyer when a firearm is purchased from a licensed dealer. Either the State or the Federal Government conducts this check. This is to ensure that those prohibited by federal law from owning guns do not purchase them. It makes sense, and although the legislation was passed before I arrived in the Senate, I support the instant background check.

Since the implementation of the Brady Act in 1994, through the end of calendar year 1999, 22 million background checks have been conducted on potential firearms purchasers. Of that 22 million, more than 536,000 individuals were determined ineligible. And since phase II of the Brady Act went into effect in 1998—mandating Instant Background Checks in place of checks with a mandatory waiting period—more than 8.6 million requests for instant checks were received, with 2.4 percent of applicants being denied.

I would note that unfortunately, this Administration has chosen not to prosecute those felons for attempting to buy a gun, which is a federal crime. Federal prosecutions have fallen at the same time background checks have given law enforcement a reliable tool for tracking down and locking up criminals trying to buy guns. In 1993, the Clinton-Gore Administration prosecuted 633 people for trying to illegally purchase a gun. That fell to 279 in 1997 and rose to 405 in 1999. From 1994 to 1999, the Administration prosecuted an average of 404 defendants for violations of the gun purchasing law annually—a 36-percent drop from 1993. Obviously, we need to prosecute felons who are attempting to illegally buy guns.

But there is another hole in the current law. While the federal database of state criminal records is fairly comprehensive, the same cannot be said of

mental incompetency records. Forty-one states, including the State of Missouri, do not permit records of the criminally insane to be searched prior to a firearm sale. This is a travesty. The result of this loophole is that individuals prohibited from purchasing firearms because of mental impairment are allowed to slip through the cracks—often with tragic results.

In April of this year, the New York Times did a series of four articles on what they termed as “rampage” killings—multiple-victim killings that were not primarily domestic or connected to a robbery or gang. The New York Times examined 102 killers in 100 rampage attacks in a computer-assisted study including the shooting in 1999 at Columbine High School in Littleton, Colorado, a day-trading firm in Atlanta, and a church in Fort Worth, Texas. The New York Times study found that at least half of the killers showed signs of serious mental health problems, and at least eight had been involuntarily committed. These articles highlight the difficulty of enforcing the provision of our gun control laws that prohibits people who have been involuntarily committed to mental institutions from buying a handgun.

For example, Gracie Verduzco, was a 35-year-old paranoid schizophrenic who believed she had a transmitter in her left ear that received messages from a satellite and had been involuntarily hospitalized in Arizona twice. In addition, she had been committed to a mental hospital by a judge in the District of Columbia after she had threatened President Clinton. Despite three involuntary commitments, she was able to buy a .38-caliber revolver at a pawnshop in Tucson, Arizona by lying on her gun application. She used it to kill one person and wound four others there on May 21, 1998.

According to the Justice Department, about 150,000 people a year are committed to mental institutions by court order in the United States. In total, there are now perhaps 2.7 million people who have been involuntarily committed at some point in their lives and are therefore barred by the federal law from buying a handgun. In response to some of the highly publicized cases, authorities in nine states have allowed law enforcement agencies some form of access to mental health records. And the number of ineligible individuals who attempt to purchase guns has been alarming. According to the Illinois State police, 3,699 people were turned down in Illinois from 1996 to 1998, when records showed they had been either voluntarily or involuntarily committed within the last 5 years, the legal test under Illinois law. An additional 5,585 people who were hospitalized from 1996 to 1998 were found to already possess gun permits, which as a result, were revoked.

The New York Times reported, “But at the national level, as in most states, there has been no comparable effort to

create access to court commitment records for gun checks. That lack of action is in stark contrast to the long effort by gun control groups and the Clinton administration in winning enactment of the Brady law to create databases screening out convicted felons, who like the involuntarily committed, were barred by the 1968 law from handgun purchases.”

If we are serious about reducing the criminal misuse of firearms, this has to change. Federal law already makes the purchase or possession of firearms illegal for people the courts deem mentally incompetent, but the law is difficult, if not impossible to enforce because mental-health information is not currently part of computerized, instant background checks. That’s why today I introduce the Records Access Improvement Act, to encourage states to make certain mental health information available to the National Instant Criminal Background Check System (NICS).

At present, the instant check system is administered jointly by the states and by the Federal Bureau of Investigation. In 15 states, state agencies serve as points of contact (POCs), and conduct full background checks for both long guns and handguns. In 11 states, state agencies conduct partial background checks for handguns only. In POC states, federal firearm licensees contact the state agency, rather than the FBI. In non-POC States, Federal firearm licensees contact the FBI directly through the NICS system. Over half of the applications for firearm transfers were checked directly by the FBI, while the remainder of applications were checked by State or local agencies.

In February 2000, the Bureau of Justice Statistics (BJS) reported that the identification of non-felons ineligible to purchase firearms is likely to remain problematic under NICS. The Bureau of Justice Statistics stated that new enabling statutes may be required to identify and access such information.

The legislation I am introducing today is such a statute. Specifically, this bill will encourage states to make the information available to the NICS system by tying the receipt of grants made under the Violent Crime Reduction Trust Fund to the provision of relevant data to the Federal Bureau of Investigation. This bill will ensure that the NICS system is as complete as possible, so that the Instant Background Check will be as reliable as possible. The Federal gun law—the Brady Act—makes it clear that certain persons are ineligible to purchase firearms. It is time that we take the steps necessary for enforcement of the law. This bill is a giant step toward reaching that goal.

ADDITIONAL COSPONSORS

S. 2217

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

WYDEN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3116

At the request of Mr. BREAU, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land.

S. 3260

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. KERREY), the Senator from Vermont (Mr. LEAHY), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3260, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. RES. 132

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

WYDEN) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as "Zinfandel Grape Appreciation Week."

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now withdraw my motion to proceed to S. 2557, regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. The motion is withdrawn?

The PRESIDING OFFICER. Yes, it is.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2415, an act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bankruptcy conference report.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:

Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

Mr. LOTT. Mr. President, this cloture vote will occur on Wednesday. I will consult with the minority leader as to the exact time. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. LOTT. Mr. President, are we ready to proceed?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on the continuing resolution relative to the Government funding, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "aye."

The result was announced—yeas 70, nays 1, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—70

Abraham	Baucus	Bingaman
Akaka	Bayh	Breaux
Allard	Bennett	Bryan

Bunning	Gregg	Murray
Byrd	Harkin	Nickles
Campbell	Hatch	Reed
Chafee, L.	Hollings	Reid
Cleland	Hutchinson	Robb
Cochran	Hutchison	Roberts
Collins	Inouye	Rockefeller
Conrad	Johnson	Sarbanes
Coverdell	Kerrey	Schumer
Daschle	Kerry	Sessions
DeWine	Kyl	Shelby
Dodd	Landrieu	Smith (NH)
Domenici	Lautenberg	Smith (OR)
Durbin	Levin	Snowe
Edwards	Lincoln	Thompson
Feingold	Lott	Thurmond
Fitzgerald	Lugar	Torricelli
Frist	Mikulski	Voinovich
Graham	Miller	Wellstone
Gramm	Moynihan	Wyden
Grassley	Murkowski	

NAYS—1

Stevens

NOT VOTING—29

Ashcroft	Feinstein	Lieberman
Biden	Gorton	Mack
Bond	Grams	McCain
Boxer	Hagel	McConnell
Brownback	Helms	Roth
Burns	Inhofe	Santorum
Craig	Jeffords	Specter
Crapo	Kennedy	Thomas
Dorgan	Kohl	Warner
Enzi	Leahy	

The joint resolution (H.J. Res. 120) was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

ORDERS FOR TUESDAY, OCTOBER 31, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Tuesday, and that the time between 2 p.m. and 6 p.m. be for a period of morning business with the time between 2 p.m. and 4 p.m. under the control of Senators REID and WELLSTONE and from 4 p.m. to 6 p.m. under the control of the majority leader.

I ask unanimous consent that following the recess of the Senate on Tuesday, October 31, 2000, the Senate be authorized to receive a continuing resolution funding the Government for one day, and that upon receipt the continuing resolution be considered passed.

I further ask unanimous consent that if the Senate receives a continuing resolution containing anything other than a one day provision, the Senate be authorized to receive that continuing resolution, and that at 8:30 p.m. on Tuesday, October 31, 2000, the Senate reconvene and immediately proceed to the consideration of that continuing resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, let me announce to the Members exactly what this consent would provide.

The Senate will reconvene at 2 p.m. on Tuesday and basically spend the day conducting morning business.

Assuming the House passes a clean 1-day continuing resolution, that would be done without a vote and, therefore, there would be no votes during Tuesday's session of the Senate.

All Senators are reminded that a cloture vote on the bankruptcy bill will occur during the day on Wednesday. All Senators will be notified as to the exact time of that vote on Wednesday.

ORDER FOR RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 31.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 6 p.m., with Senators speaking for up to 10 minutes each as under the previous order.

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

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 2 p.m. with up to 4 hours for morning business, with Senators REID and WELLSTONE and LOTT in control of the time.

Under the previous order, the continuing resolution will be passed by unanimous consent.

As a reminder, cloture was filed on the bankruptcy bill today. That cloture vote will occur during the day on Wednesday, as well as a vote on a continuing resolution. Senators will be notified as those votes are scheduled.

On behalf of the leader, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks for up to 5 minutes each for Senators WELLSTONE, SCHUMER, and SESSIONS.

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

BANKRUPTCY

Mr. WELLSTONE. Mr. President, I don't think I will even need to take 5 minutes tonight. There will be time tomorrow to discuss this conference report. Then, if there should be cloture, we will see. There is also up to 30 minutes for postcloture debate. There are a number of Senators who will have a lot to say about this bill.

I make one point tonight for colleagues because there will be plenty of opportunity to talk about it substantively later. This piece of legislation that comes before the Senate is what I call the invasion of the body snatchers. This was a State Department authorization bill that has been completely gutted. There is not one word about the State Department in this bill. The only thing that is left is the bill number. Instead of the bankruptcy bill, it was put into this conference report. This is hardly the way to legislate.

Mr. SCHUMER. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. SCHUMER. As I understand it, the conferees who were originally appointed to the foreign aid bill were not even informed of the conference. Not every conferee was informed of the new conference; am I correct in assuming that?

Mr. WELLSTONE. I say to the Senator from New York that is my understanding.

Mr. SCHUMER. I thought that was an important point that our own conferees were not told there was a conference to move this along.

Mr. WELLSTONE. This conference report is worse than the bill that passed the Senate. The Schumer provision was taken out. The Kohl provision was taken out. It is absolutely amazing to me that we would try to jam through a bill, which I believe is very harsh toward the most vulnerable citizens, which purports to deal with the abuse—the American Bankruptcy Institute states, at best, a 3-percent abuse—but, at the same time, enables people who have millions of dollars to buy luxurious homes in some States in the United States of America and shield all their assets from bankruptcy.

We do great for people who have millions of dollars to buy luxury homes and shield themselves from any liability, but we are going to pass a piece of legislation—and I will have the documentation tomorrow from bankruptcy professors, law professors, and judges across the country that have roundly condemned a piece of legislation that is one-sided—that doesn't call for the credit card companies to be accountable at all, is harsh in its impact on the most vulnerable citizens, is opposed by the civil rights community broadly defined, women's organizations, consumer organizations, labor organizations, and a good part of the religious community because of its one-sidedness. It is so harsh in its im-

pacts on the most vulnerable citizens. I will lay this case out because it claims to deal with the problem of widespread abuse. The American Bankruptcy Institute tells us at best we are talking 3 percent. I have seen no high figures presented by anybody.

The bill now is worse than what Senators voted on on the floor of the Senate. Again, the process is absolutely outrageous. A State Department bill, on which hardly anybody was consulted, was completely gutted, and a bankruptcy report put in instead.

I hope my colleagues will defeat this piece of legislation. I come to the floor tonight to let Senators know there are a number of Senators ready to debate. We will have much to say tomorrow. If there should be cloture—we will see—we will have much to say after that cloture vote as well. The more people in this country know the substance of this piece of legislation and the outrageous way this is being done, I think the angrier people will become. It is important people in this country know what this piece of legislation is about and the harsh impact it will have on so many citizens—women, low-income people, moderate-income people, working income people.

On this conference report, Senators who decided to do this, dared not do anything about a family being able to take millions of dollars and shielding themselves from liability.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I augment what my friend from Minnesota said about the bill. Aside from the procedural problems, I have never seen anything like this in the 20 years I have been in this Congress. Aside from the other provisions, I want to talk about the amendment I have added to this bill. Let's not forget, Senators, 80 Members voted for that provision. I think 17 voted against the provision.

The bill that comes back is a different bill. The provision that I wrote into the bill which is so important deals with the use of bankruptcy as a way to violate the laws of this country.

Very simply, we passed a law a while ago called a face law. It gave women who sought to have abortions the ability to actually have what their lawful rights are. Blockaders started blockading the place. Then they actually used violence to stop the right to choose, a constitutionally given right.

The face law simply said the clinic could sue those who used violence or threat of violence against them—not people peacefully protesting; that is their American right. I defend that no matter how much I disagree with their position. All of a sudden, the right to choose was restored. It had not been available in 80 percent of the counties in this country because of the blockaders who believed, since they were getting their message from God, they superseded the rest of us. That, of

course, is dangerous thinking. Any one could believe if we have a message from God we ought to impose it on someone else, and we all have different views of what God is telling us.

In any case, now they have found a new way to violate the law. That is to declare bankruptcy. Let me inform my colleagues of one case, the so-called Nuremberg files. The group put together on the Internet names and addresses of doctors, of their wives, of their children. When a doctor was killed, as Dr. Slepian, in my home State of New York, near Buffalo, NY, they put an "X" next to his name. If a doctor was injured, his name was shaded.

Those people were sued under the face law. Of course, the Oregon court in which they had the trial ruled they had violated the law. To not pay judgment, each of them went back to their own States and declared bankruptcy. Whether the bankruptcy issue is held or not, this little clinic does not have the ability to go back to 12 or 13 different States and pursue the same litigation all over again.

All our provision says is that you can't use bankruptcy for this. It was never intended for this, just as you couldn't use it as a shield if you were sued because of drunk driving. It is not pro-life or pro-choice.

My lead cosponsor is HARRY REID, my friend and colleague, who believes as strongly in the pro-life movement as I believe in the pro-choice movement. It is not partisan. Immediately, Senators SNOWE, JEFFORDS, and COLLINS joined us in cosponsoring the amendment. It passed in this body, supported by both pro-choice and pro-life Senators, 80-17.

This new little provision—it was taken out. To me, it is the most important provision in this bankruptcy bill. Yes, we need to change our bankruptcy laws for the better. I do not disagree with that. But to do it and do it in this way and not give the Senate its voice says to me: Let's go back to the drawing board and scrap it.

This is an issue that relates to the Constitution of the United States itself, the rule of law. This is an issue that says if the Constitution grants you a right, we are not going to let cowards use the bankruptcy law to hide behind, avoiding their just civil punishment. As the Senator from Minnesota said, you will hear from us on this. If the people who were managing this bill cared so much about passing it, they should have kept the so-called Schumer amendment in there. It would have been a lot easier to get things done. But that did not happen, they could not and would not.

Because the amendment I have added addresses head-on this fundamental use of the bankruptcy system, I will not rest until we do everything procedurally possible to make sure that a bankruptcy reform package without it fails.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am disheartened to hear the Senator from New York would take such a strong position on this bill since he had been an original promoter of it. It passed this body by 90 votes, at least twice, I think three different times—88 or 90 votes. It is good to see Senator GRASSLEY here, who was the prime sponsor of the legislation. To have it die over this one issue is really unbelievable, particularly since Senator GRASSLEY and others have offered several different ways we could meet the objections on the abortion clinic language, which I consider to be awfully insignificant in the line of the legislation except for the important philosophical and legal points. I think it will be a tragedy if we do not.

This bill passed this body by around 90 votes, over 90 votes one time—three different times. It has been debated in committee. If I am not mistaken, the vote was 18-2 in committee, the Judiciary Committee, on which Senator GRASSLEY and I served and brought that bill out. It is a bipartisan bill.

I, along with Senator REID, got involved with working with the White House not long ago on reaffirmations, the one issue they said was left to settle, and we settled that issue to the satisfaction of the White House.

Now what do we have? A move to kill, once again, good bipartisan legislation that has been overwhelmingly supported in this Senate. It is a shame and a disgrace. It is outrageous that somehow, some way, we passed this with veto-proof majorities and we are not able to get it up for a last vote or get it passed.

I feel strongly about that. Maybe now we can get it out of here and the President will see fit to sign it. The homestead language Senator WELLSTONE mentioned, I agree with him. I think we ought to make bigger changes in the provisions that say people can put all the money they want to in a homestead and not have it taken from them in bankruptcy. You could put \$10 million in 160 acres and a mansion and you would not have to give it up to pay your just debts to your doctor, to the gas station down the street, to the friends from whom you borrowed money. That is not right.

We made, though, for the first time, over the vigorous objections of several key States that have those kinds of provisions in their State Constitutions—Texas, Florida, Kansas—they fought tenaciously for that, but we made historic progress in limiting the ability of a debtor to hide his assets in a multimillion-dollar mansion. That was a great step forward. To say we ought to keep current law, which has no controls whatsoever, and not pass this bill, that has the first historic steps to control debt abuse, is really cutting off your nose to spite your face. That is the kind of thing we are hearing.

Let me tell you what this bill fundamentally does. It says if you are of median income—that is, \$44,000 for a family of four—if you are a family of

four and you are making below that \$44,000, you can be bankrupt and not pay any of your debts, just as the current law says. But if you are making above that and the judge concludes you can pay a part of your debts—10 percent or more—then he can order you to go into chapter 13 and pay back some of the debts that you can pay back.

What is wrong with that? We have had a doubling of filings in bankruptcy over the last 10 years. We have over a million bankruptcies filed per year. It is being done primarily because lawyers are advertising. Turn on your TV anytime at night and you will see they are there: "Solve your debt problems, call Old John, 1-800. We will take care of your debts."

Do you know, if you owe \$60,000 and you really don't want to pay that \$60,000 debt, and today you are making \$80,000, you can go down to a bankruptcy lawyer, file chapter 7, and wipe out that debt and not pay one dime of it? You can do that. There is no control. It is being done all over America today and it is not right. What does that say to a good, hard-working family who sits down around the kitchen table, pray tell, and tries to figure out how they can pay their debts? This family does not buy a new car, does not go on a vacation, does everything right, they pay their debts, and clever John goes down to the bankruptcy lawyer and doesn't pay his debt. Something is wrong in America when we allow that kind of abuse to occur time and time again.

It is true—I do not believe it is 3 percent—the majority of people who file bankruptcy will not be affected by this bill. But those who are abusing it will be. If you are a doctor and you are making \$150,000 a year and you owe \$300,000 in student loans and other debts, and you can pay \$50,000 of that, shouldn't you be required to pay it? We have examples of physicians declaring bankruptcy against all their debts when they could have easily paid a substantial number of them. Why shouldn't they pay what they can pay?

In America, we believe if you are hopelessly in debt and you cannot pay out, we give people—and we always have—the right to file bankruptcy. It is just that it has become so common, the process of advertising and filings. The numbers are going up. While the economy is hitting records we have never had before, filings in bankruptcy keep going up. What is going to happen when we have a serious problem in this country?

We have worked hard. I put in a provision that says before you file bankruptcy, you ought to talk to a credit counseling agency. Credit counseling agencies actually help people who are in debt. They help them set up budgets, they advise them whether or not they can pay off their debts. If not, they will go to a lawyer and file bankruptcy. But if they could pay it off, pay down the

high interest notes first, negotiate with creditors, set up a payment plan, get the whole family in—if there is a drug problem, gain treatment; if there is a mental health problem, get treatment. Gamblers Anonymous can be used for people who have these problems. A lot of these things are driving bankruptcy.

None of that is occurring in bankruptcy court. Lawyers come in, they claim a \$1,000 fee, or \$2,000, or whatever, and their secretaries fill out the forms. They don't even meet the client until they get to court. The judge declares all their debts wiped out, and they walk out of court. That is not helping treat the root cause. But credit counseling does. It says: We respect you, American men and women. We want to help you get your financial house in order, and if you can avoid bankruptcy, we will show you how and help you do that. That is a good step in the right direction.

There are a lot of other things in this bankruptcy bill that improve the law. It has not been changed in over 25 years. We have new experience with the law. We have seen a host of abuses of the law, loopholes through which people are driving trucks. We closed those loopholes.

For the most part, it has been overwhelmingly received by everybody in this body. Over 90 Senators in this Senate have voted for it, Democrats and Republicans. The White House has approved all of these.

We have a problem with bankruptcy. We can do better. This bill is fair. It raises protections for women and children far above anything before.

Before, lawyers and other debts were paid before child support. In this bill, alimony and child support are raised to the highest level. The first money paid goes to pay child support. That is a big, positive change. By killing this bill, that will not happen. The old rules will be in effect and children and women will not get that preferential treatment.

We can do better. This is a good bill. I think the President will reconsider. He has been involved in this process for well over 3 years, as we have been wrestling with it, having hearings and debates on this floor and in the House. To say this is sneaking the bill in is really unbelievable. It has been a source of regular debate and bipartisan agreement, and now we get to the very last of this session and see an effort to derail it over this odd idea that out of all the activities in America, if you get sued by an abortion clinic, you cannot file for bankruptcy.

One of the suggestions I made and others have made is, what about a union group that tears down a business? What about a group of environmental activists that tears up and protests and illegally does business? Do they get to claim bankruptcy against their debts, but not those who go to an abortion clinic because they are religious, I suppose?

Why should we have such a double standard, a political law in bankruptcy? That is a political act, not something that ought to be in the bankruptcy court of America.

I said if you either take it out or draw it broadly and it covers similar acts by other groups, then I will sup-

port it, but I am not going to vote for a law that simply targets one group that one Senator does not like. What is right about that? How is that good law? Some Senators and the President do not like abortion protesters. I guess he thinks they are too religious, so they do not get to claim bankruptcy, but everybody else does. People who put metal spikes in trees that injure people in the forest business, I guess they do not count.

That is where we are on this. That is such an infinitesimal problem which we can overcome, unless the real agenda is to see bankruptcy does not pass. I hope that is not so. We have gone too far. We have worked too hard. We have a bill that has bipartisan support. I am hopeful yet that the President will sign it, and it will be good for America.

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

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

RECESS UNTIL 2 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. tomorrow.

Thereupon, the Senate, at 8:04 p.m., recessed until 2 p.m., Tuesday, October 31, 2000, at 2 p.m.