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Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 10 a.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:

Gracious God, our loving Father, three liberating assurances capture our thinking, calm our nerves, change our moods, and lift our spirits: You are on our side; You are by our side; You give us peace inside. It is wonderful to know that You are for us and not against us. Night and day, You are seeking to bless us. Even Your judgments are meant to bring us closer to You. We are never alone. Your presence gives us hope. You remind us that You are in charge, and that we can trust You. Thank You for the profound peace that results in our hearts. We realize that this artesian peace flows from Your indwelling Spirit. Suddenly, we feel something we know we cannot produce on our own. We are given the gift of patience with ourselves, others, and the processes of government. Thank You for setting us free to live each hour strengthened by Your power. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the distinguished Senator from Montana, is recognized.

Mr. BURNS. I thank the Chair. It always helps the day to open the Senate under the gavel of our distinguished friend from South Carolina.

SCHEDULE

Mr. BURNS. Mr. President, today the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate is expected to begin debate in relation to the omnibus appropriations bill while awaiting House action on the measure early this evening.

There will be no rollcall votes during today's session of the Senate. The next rollcall vote, assuming one is still required on passage of the omnibus bill, is expected to occur at 9:30 a.m. on Wednesday, October 21st. All Members will be immediately notified when the exact voting schedule becomes available.

I thank my colleagues for their attention.

NOTICE

If the 105th Congress adjourns sine die on or before October 21, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, 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 October 27. The final issue will be dated October 28, 1998, and will be delivered on Thursday, October 29.

If the 105th Congress does not adjourn until a later date in 1998, the final issue will be printed at a date to be announced.

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".

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By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

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

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 137

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate receives H.J. Res. 137, the 1-day continuing resolution, the resolution be considered read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2070, and the Senate then proceed to its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3832

(Purpose: To provide a complete substitute)

Mr. BURNS. Senator HATCH has a substitute amendment at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. HATCH, proposes an amendment numbered 3832.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Correction Officers Health and Safety Act of 1998''.

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

''§ 4014. Testing for human immunodeficiency virus

''(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

''(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

''(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

''(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

''(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

''(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

''(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

''4014. Testing for human immunodeficiency virus.''.

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3832) was agreed to.

The bill (H.R. 2070), as amended, was considered read the third time and passed.

AFRICA: SEEDS OF HOPE ACT OF 1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4283, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3833

(Purpose: To provide a substitute)

Mr. BURNS. Senator DEWINE has an amendment at the desk, and I ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. DEWINE, proposes an amendment numbered 3833.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3833) was agreed to.

The bill (H.R. 4283), as amended, was considered read the third time and passed.

CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3633, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3633) to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. LEAHY. Mr. President, H.R. 3633, ''The Controlled Substances Trafficking Prohibition Act,'' addresses a gap in our controlled substances laws. At present, people entering the United States from Mexico may bring up to a ninety-day supply of drug products into the country without a prescription, under the so-called ''personal use'' exemption. Many of these drug products are then illegally distributed within the United States.

Such abuses have increased dramatically in recent years, and there is a need to address this problem now. H.R. 3633 does this by limiting the personal use exemption in certain circumstances to 50 dosage units. But this is only a stopgap measure. What constitutes ''personal use'' is a complicated issue that will turn on a number of circumstances, including the nature of the controlled substance and the medical needs of the individual. It is the sort of issue that should be addressed not through single-standard

legislation but through measures regulations passed by an agency with expertise in the matter. For this reason, I believe that we will have to take this issue up again next year, to direct the Department of Justice to study the problems at our borders and to pass regulations that are more finely-tuned to address those problems. In the meantime, H.R. 3633 will help to stem the tide of illegal importations of controlled drugs, which pose dangers to Americans when illegally distributed and used.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3633) was considered read the third time and passed.

AMENDING THE FOREIGN SERVICE ACT OF 1980

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 633, which was received from the House.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 633) to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 633) was considered read the third time and passed.

REQUIRING A STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4501, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4501) a bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4501) was considered read the third time and passed.

TECHNICAL CORRECTION OF H.R. 3910

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 129, which was submitted by Senator MURKOWSKI.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A current resolution (S. Con. Res. 129) to correct a technical error in the enrollment of H.R. 3910.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

Mr. BURNS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Con. Res. 129) was agreed to as follows:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 3910 the Clerk of the House shall, in title IV, section 406, strike ''5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998'' and insert ''5 years after the date of enactment of this Act''.

MORNING BUSINESS

Mr. BURNS. Mr. President, we now enter a time for morning business, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Virginia, Senator WARNER.

(Mr. BURNS assumed the Chair.)

THE PRESIDENT PRO TEMPORE

Mr. WARNER. Mr. President, I thank the distinguished President pro tempore. I think it should be noted from time to time, particularly on this, presumably one of the last 2 days of the Congress, that this distinguished President pro tempore has reported every morning the Senate has convened, so far as I know, to open the Senate. It is a responsibility he has taken unto himself with great dignity as he carries out his duties to the credit of this memorable institution, and we express our great appreciation to the President pro tempore. To the best of my knowledge, he has not missed a single day of this Congress in opening up the Senate, which is another record to add to the many, many records of our distinguished President pro tempore.

Mr. THURMOND. I thank the able Senator very much for his kind remarks.

Mr. WARNER. I thank the distinguished Senator.

I rise to address two subjects today, and I ask unanimous consent to use such time as I may require, although I will yield to others as they appear in the Chamber seeking recognition.

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

Mr. WARNER. I thank the Chair.

UNITED STATES-CUBA RELATIONS

Mr. WARNER. Mr. President, I have great concerns about our Nation's policy towards Cuba. Castro remains, in the mind of this Senator and the minds of most, as an individual who has brought great harm to that nation, and it persists to this day. The human suffering there is incalculable.

Some months ago, I joined with my distinguished friend and colleague, the senior Senator from Connecticut, Mr. DODD, who has had considerable experience in this region of our hemisphere, in trying to seek legislation to allow the sale of U.S. food, medicine and medical equipment to Cuba.

Regrettably, that has not been done in its totality. There have been some efforts, but nevertheless that continues to present itself as an example of how I believe—and others share my belief—that the overall policy between the United States of America and Cuba should be thoroughly, pragmatically and objectively reviewed. With that purpose in mind, I and other Senators—I think some 15 in number—have written the President of the United States requesting that he, hopefully jointly with the Congress, establish a commission to make such a study. In short, we wrote President Clinton recommending ''the establishment of a national bipartisan commission to review our current U.S.-Cuba policy.''

My reason for making this recommendation is simple and straightforward. The current United States-Cuba policy in effect for nearly 40 years—that is astonishing, 40 years—has yet to achieve its goal of a peaceful transition to democracy in Cuba. Of course, Castro remains the single most formidable obstacle to achieving that goal.

Now the time has come, in our judgment, for a thoughtful, rational and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. I am not alone

in putting forward this proposal. As I have previously stated, I was joined in this recommendation to the President by a distinguished and bipartisan group of Senate colleagues. In addition, a world-respected group of former senior Government officials of our United States have written to me—I asked for that letter and obtained it—in strong support of the establishment of the commission.

That distinguished group includes Howard Baker, Jr., former Senate majority leader; Frank Carlucci, former Secretary of Defense; Lawrence Eagleburger, former Secretary State; Henry Kissinger, former Secretary of State; William D. Rogers, former Under Secretary of State; Harry W. Shalaudeman, former Assistant Secretary of State and Malcolm Wallop, former U.S. Senator. Further, I am informed that former Secretary of State George Shultz supports our efforts.

Mr. President, it is my hope that President Clinton will act to implement our recommendation. Should he choose to do so, the analysis and recommendations that are put forth will provide both the Congress and the Administration with the means to shape and strengthen our future relationship with Cuba.

The recommendation that we have for this commission is parallel to one that was set up by a past President in response to the need to look at the overall hemisphere. It was known as the Kissinger Commission. It has, I think, the customary provisions in it whereby the President makes certain appointments and the Congress will make certain appointments. I think there will be a wealth of talent ready, able, and willing to step forward at the call of the Executive branch and the Legislative branch to take up the responsibility of a very serious challenge, to establish a revised policy between our Nation and Cuba.

Mr. President, I ask unanimous consent my letter to President Clinton, the letter sent to me by Lawrence Eagleburger, and an October 16, 1998, Washington Post editorial on this subject be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

John Warner, Chuck Hagel, Rod Grams, James M. Jeffords, Michael B. Enzi, Bob Kerrey, Rick Santorum, Dirk Kempthorne, Kit Bond, John Chafee, Craig Thomas, Dale Bumpers, Chris Dodd, Pat Roberts.

BAKER, DONELSON, BEARMAN
& CALDWELL,
Washington, DC, September 30, 1998.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; William D. Rogers, Former Under Secretary of State; Frank Carlucci, Former Secretary of Defense; Harry W. Shalaudeman, Former Assistant Secretary of State; Henry A. Kissinger, Former Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the president and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,

LAWRENCE S. EAGLEBURGER.

A GOOD IDEA ON CUBA

By chance, a record 157 countries voted in the U.N. General Assembly against the American embargo of Cuba just as a proposal for a high-powered national bipartisan commission to review the United States' whole Cuba policy was emerging from the Senate. In the Assembly, only Israel supported Washington in defense of an embargo that has been the centerpiece of American policy for 36 years and that has not been soberly reviewed since the Cold War ended. Sen. John Warner (R–Va.) is author of the review proposal. He has gotten heavy-duty legislators and former foreign policy officials to sign on.

So much has changed over the four decades of Cuban-American collision. The Cold War is over, terminating Cuban security threats to the United States. Cuba, by its own totalitarian rule and economic mismanagement, and not just by the embargo, has entirely lost luster as a model for modernizing states. The embargo has punished the Cuban economy, though it is slowly recovering, and also the Cuban people. The embargo has embellished the nationalist credentials of Communist ruler Fidel Castro. It has puzzled America's best friends, who do not understand why the United States treats Cuba as though the Cold War were still on.

The official answer is that the embargo is a lever to force the democratization of Cuba

and, by American law, the termination of Fidel Castro's rule. But the limited changes in this regard are owed less to official American isolation than to such regulated openings as the permissions for calls, emigration, humanitarian gifts and family trips and the historic visit of Pope John Paul II.

The American debate on Cuba has come to be an intense unproductive contest between the Miami exile right and its liberal critics. The Warner proposal promises to widen both the terms of the debate and the constituencies participating in it. A broad bipartisan review of Cuba policy is an idea whose time has come.

KOSOVO

Mr. WARNER. Mr. President, I have repeatedly taken the floor to speak about my great concern regarding the people who are suffering today in Kosovo. As I stated in my remarks on previous days, I visited Kosovo some weeks ago in the company of the KDOM—which is a most unusual organization—but it has the permission by which to take unarmed missions into the countryside around Pristina and elsewhere, to see the ravages of that tragic conflict.

Regrettably, even though we have now in place an agreement with Milosevic, the fighting and the strife continues. We have recently executed an agreement. I say ''we.'' Primarily, the United Nations and NATO have entered into an agreement with the Yugoslav Government, and President Milosevic signed it.

There have been some changes in the status of forces of the Yugoslav Army and the like, but it is a very fluid situation. We hear one day units are moving out and then today there are reports that other Yugoslav Army units are being redeployed. The suffering, however, continues and the winter is coming. The whole world is standing by to witness what is, I think, one of the greatest recent tragedies.

Weather is as cruel as weapons. I saw, for my own eyes, these people huddled in the hills, helpless, homeless, without food, without medicine; tens of thousands—we do not know with any specific accuracy how many there are, but it certainly is in excess of 100,000 human beings—innocent victims, by and large, of the conflicts, political and military, in this region of Kosovo.

I have had the opportunity to get briefed by the Central Intelligence Agency, briefed by the Department of Defense; I try to remain as current as I can on this issue. The bottom line of what I am saying today is it is time that we look with great seriousness at the need to constitute a force which will have sufficient arms to go into that region and provide the stability necessary—I repeat, the stability necessary for the nongovernmental institutions and others to bring in the food, the medicine and the shelter that is required to support these people. It is as simple as that. They will simply perish by the tens of thousands without this sort of help.

The agreement provides for the OSCE to come in. This is the first time in the history of that organization that they have ever undertaken a challenge of this magnitude. They are not organized, really, to work to provide security which requires force of arms, but some attempt will be made along that line. The bottom line, I think, is someone has to stand up—and I am prepared to do it—and say that NATO is the only force constituted that can come in, in a short period of days, literally days, to give that degree of stability so these emergency supplies can come in. It is my grave concern that unless that is done and done promptly, the world will witness human suffering of a magnitude we have not seen, certainly, in a long time. I think only NATO can step in to do this.

I know the deep concern here in the Senate and elsewhere in the United States about employing any U.S. ground troops in the region of Kosovo. We went through those debates with regard to Bosnia. I personally was never in favor of it. But once we make a decision, as we have now made, and we have the agreements in place, there is absolutely no alternative but to faithfully try and execute our responsibility, together with NATO and the United Nations, to provide the environment in which, in the few weeks to come, we can save the lives of tens of thousands of innocent people. That can only be done by putting in place uniformed, organized, well-trained troops. Their presence could well be the deterrent to stop the fighting.

In my judgment, there are no clean hands in this situation. The preponderance of the atrocities obviously have been committed by the Serbian forces under the direction, either indirectly or directly, of Slobodan Milosevic. There is no doubt about that. But there also are some attacks being perpetrated by the KLA, which is that disparate group, relatively undefined, whose leadership changes from time to time, whose organization has very little coordination between the various bands of the KLA, but nevertheless they have perpetrated atrocities and, apparently, there are reports that some atrocities are continuing to be perpetrated by the KLA.

Only an absolutely neutral independence force, as constituted by the United Nations, together with NATO, can provide the security necessary to bring in the needed food and medicine.

In looking over the agreement, and in consultation with the Department of Defense, I have learned of one very interesting development. I have not, as yet, seen it in the open press, but I have obtained the authority of the Department of Defense to mention this, because I think it is a positive goal. There are certain positive goals that have been achieved by this agreement. This one will be severely criticized. I certainly have some criticism of it. But there are some positive results of the agreement that have recently been executed between the United Nations, NATO and the Yugoslav Government.

One of them, for example, is as follows:

> Under the agreement, Milosevic has been required to accept a continuing presence of NATO reconnaissance aircraft over his sovereign airspace in order to monitor its compliance with the terms of the accord.

Under that, we have today—and this is most important—six NATO military officers in Belgrade inside the Serbian air defense headquarters to act as liaison with NATO. We expect Yugoslav air defense personnel to report to the Combined Air Operation Center in Italy today to perform the same function.

That eliminates a lot of uncertainty that could spark a response by the Yugoslav air defense operations against our monitoring aircraft, and that must be avoided.

We expect this military-to-military coordination to eliminate any possibility of miscommunication on the implementation of the air verification regime.

I wish to say I find that to be a very positive part of this agreement. I just hope we will come to the realization that a second very positive step must be taken immediately, and that is placing security forces—and I think only NATO is able to do this within the few days that is required for those forces—to enable the food and medicine to reach those in need.

Unquestionably, Milosevic bears the primary responsibility for finding an acceptable political solution that grants the people of Kosovo some degree of autonomy. We know not that level at this time. A degree of self-governance has to come about and, most importantly, freedom from the oppression we have witnessed in the past months and, indeed, throughout the past decade when Milosevic removed from Kosovo its degree of autonomy and self-governance that it had some years ago.

Also, the ethnic Albanians bear responsibility for making this agreement a success as well. That primarily falls on the KLA. The political leadership of Kosovo and the Kosovo Liberation Army, or the UCK, as it is called, must refrain from violence and set up some establishment where they can have representatives at the negotiating table and negotiate in good faith and support the OSCE verification regime on the ground.

Mr. President, I will continue to monitor this. Of course, I will not have an opportunity to do so here on the floor of the Senate, but I will by other means, because I personally am gravely concerned about the plight of these homeless, helpless people who only ask for the opportunity to live in peace and quiet in their countryside and in their small homes, which I have seen in great numbers, but regrettably most that I saw had been blown up and devastated.

My prayers, and I think the prayers of the people of this country, are with

those helpless people. I hope we come to the quick realization of the steps that must be taken to resolve this tragic conflict.

I yield the floor.

TRIBUTE TO WORKING WOMEN

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the Greenwood Business and Professional Club of Greenwood, Mississippi, and the working women who comprise its membership. The club was established on November 20, 1931, and will be holding its annual Women of Achievement Banquet on Thursday, October 22, 1998. It is my privilege to note that my daughter, Tyler Lott, a working woman in her own right, will provide the banquet's keynote address.

For nearly 67 years, the Greenwood Business and Professional Club has been a shining example of women helping women through countless programs and projects. More importantly, the members of this club are representative of working women across America who make invaluable sacrifices every day to strengthen the economy and fiber of our families, communities, states and nation.

Working women are found in virtually every profession, trade and vocation, and constitute well over 62 million members of the United States workforce. In fact, women-owned businesses account for approximately one-third of domestic firms and employ over 13 million people. Moreover, we should always remember that, in addition to women working in traditional businesses, women may be found working in homes throughout America making significant contributions each day through their occupation as homemakers.

As working women continue their service to America through professional, civic and cultural endeavors, it is fitting that we recognize their growing numbers, and congratulate these women who labor so tirelessly and effectively both inside and outside the home. Whether in business, industry, a profession, or as a homemaker, today's working women are vital role models for young women coast-to-coast who will help mold the future of this country.

I am honored to have this opportunity to commend our nation's working women, and to extend my most sincere thanks to the members of the Greenwood Business and Professional Club for its 67 years of achievement and service.

PASSAGE OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

Mr. ABRAHAM. Mr. President, the Omnibus Appropriations bill that the Senate is about to consider contains the full text of S. 2107, the Government Paperwork Elimination Act, a bill I introduced in April along with Senators WYDEN, MCCAIN and REED. I want to thank Senators MCCAIN, LOTT, WYDEN, and HOLLINGS for taking the time and effort to work with me in advancing this legislation. Without their active support and participation, this bill would not have progressed as far as it has.

Senators WYDEN, MCCAIN and REED joined me in introducing the Government Paperwork Elimination Act in May of this year. On July 15, 1998, I chaired a hearing on this legislation before the full Commerce Committee. Two weeks later, S. 2107 was marked up in the Committee with several modifications. On a voice vote, the bill as amended was ordered to be reported.

When the Senate returned to session after the August recess, a unanimous consent agreement was propounded on S. 2107. This unanimous consent request brought the bill to the attention of Senator THOMPSON, the Chairman of the Government Affairs Committee. Senator THOMPSON had concerns with the bill because of the extent to which it dealt with Federal agencies.

Despite the time constraints—the session was expected to end in two weeks—Senator THOMPSON generously offered to work with me to address some of his committee's concerns and ensure that the bill as offered did not conflict with current mandates on the Executive. Over the course of the last week in September, Senator THOMPSON and I modified S. 2107 to address the concerns raised in his committee. On Tuesday, October 7, S. 2107 as amended was added as an amendment to S. 442 by unanimous consent.

The Internet Tax Freedom Bill passed the Senate on October 8 and was sent to the House for consideration. However, because the House did not agree with some of the language contained in the bill, House Members proposed adding the text of the House passed Internet Tax Freedom Bill to the omnibus rather than passing S. 442 as amended.

On October 15th, the Senate passed S. 2107 independent of other vehicles. On the same day, the text of S. 2107 was included in the omnibus appropriations bill. The next day, October 16th, the Omnibus Appropriations bill was passed by Congress with the text of the Government Paperwork Elimination Act included therein.

This legislation amends the Paperwork Reduction Act of 1980 to allow for the use of electronic submission of Federal forms to the Federal government with the use of an electronic signature within five years from the date of enactment. It is intended to bring the federal government into the electronic age, in the process saving American individuals and companies millions of dollars and hundreds of hours currently wasted on government paperwork.

In order to protect the private sector and ensure a level playing field for companies competing in the development of electronic signature technologies, this legislation mandates that regulations promulgated by the Office of Management and Budget and the National Telecommunications and Information Administration be compatible with standards and technologies used commercially in order to ensure that no one industry or technology receives favorable consideration. It also requires Federal agencies to accept multiple methods of electronic submission if the agency expects to receive 50,000 or more electronic submittals of a particular form. This requirement will ensure that no single electronic signature technology is permitted to unfairly dominate the market.

This legislation also takes several steps to help the public feel more secure in the use of electronic signatures. If the public is going to send money or share private information with the government, people must be secure in the knowledge that their information and finances are adequately protected. For this reason, my bill requires that electronic signatures be as reliable as necessary for the transaction. If a person is requesting information of a public nature, a secure electronic signature will not be necessary. If, however, an individual is submitting forms which contain personal, medical or financial information, adequate security is imperative and will be available.

This is not the only provision providing for personal security, however. Senator LEAHY joined me to help establish a threshold for privacy protection in this bill. The language developed by Senator LEAHY and I will ensure that information submitted by an individual can only be used to facilitate the electronic transfer of information or with the prior consent of the individual. Also included is legislation which establishes legal standing for electronically submitted documents. Such legal authority is necessary to attach the same importance to electronically signed documents as is attached to physically signed documents. Without it, electronic submission of sensitive documents would be impossible. Finally, the Government Paperwork Elimination Act requires that Federal agencies to send an individual an electronic acknowledgement of their submission when it is received. Such acknowledgements are standard when conducting commerce online. A similar acknowledgement by Federal agencies will provide piece-of-mind for individuals who conduct business with the government electronically.

As much as individuals will benefit from this bill, so too will American businesses. By providing companies with the option of electronic filing and storage, this bill will reduce the paperwork burden imposed by government on commerce and the American economy. It will allow businesses to move from printed forms they must fill out using typewriters or handwriting to digitally-based forms that can be filled out using a word processor. The savings in time, storage and postage will

be enormous. One company, computer maker Hewlett-Packard, estimates that the section of this bill permitting companies to download copies of regulatory forms to be filed and stored digitally rather than physically will, by itself, save that company $1–2 billion per year.

Efficiency in the federal government itself will also be enhanced by this legislation. By forcing government bureaucracies to enter the digital information age we will force them to streamline their procedures and enhance their ability to maintain accurate, accessible records. This should result in significant cost savings for the federal government as well as increased efficiency and enhanced customer service.

Each and every year, Mr. President, Americans spend in excess of $6 billion hours simply filling out, documenting and handling government paperwork. This huge loss of time and money constitutes a significant drain on our economy and we must bring it under control. The easier and more convenient we make it for American businesses to comply with paperwork and reporting requirements, the better job they will do of meeting these requirements, and the better job they will do of creating jobs and wealth for our country. That is why we need this legislation.

The information age is no longer new, Mr. President. We are in the midst of a revolution in the way people do business and maintain records. This legislation will force Washington to catch up with these developments, and release our businesses from the drag of an obsolete bureaucracy as they pursue further innovations. The result will be a nation and a people that is more prosperous, more free and more able to spend time on more rewarding pursuits.

I want to thank my colleagues in the Senate for their support and urge the House to support this important legislation. I ask unanimous consent that a statement of intent for the Government Paperwork Elimination Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

STATEMENT OF INTENT ON THE GOVERNMENT PAPERWORK ELIMINATION ACT—SENATOR ABRAHAM, Senator WYDEN, Senator MCCAIN

I. PURPOSE OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

The Act, as reported, would require Federal agencies to make electronic versions of their forms available online and would allow individuals and businesses to use electronic signatures to file these forms electronically. The intent of the bill is to provide a framework for reliable and secure electronic transactions with the Federal government, while remaining ''technology neutral'' and not inappropriately favoring one industry over another.

II. BACKGROUND AND NEEDS

The widespread use and world-wide accessibility of the Internet provides the opportunity for enhanced electronic commerce and substantial paperwork reduction. State governments, industry, and private citizens have already embraced the electronic medium to conduct public and private business. Allowing businesses and individuals to conduct their affairs with the Federal government within a stable legal framework would save financial resources by eliminating burdensome paperwork and bureaucracy.

The widespread use of electronic forms can greatly improve the efficiency and speed of government services. Such efforts as people traveling to government offices for forms would no longer be required. If implemented, the bill would save the government million of dollars in cost associated with such things as copying, mailing, filing and storing forms.

Electronic signatures can offer greater assurances that documents are authentic and unaltered. They minimize the chances of forgeries or people claiming to have had their signatures forged.

An electronic signature is a method of indicating that a particular person has originated and approved the contents of an electronic document. There are a wide array of electronic signature technologies currently available, which range from simply typing one's name on an electronic document or e-mail, to scanning a handwritten signature as a bitmap and copying it onto an electronic document. More technologically complex versions of electronic signatures involve the analysis of physical characteristics (biometrics) such as fingerprints, retina scans, and the biometrics of an actual signature to digitally verify the signer's identity. The widely referred-to ''digital signature'' is slightly different, and is merely one type of electronic signature which often, although not always, involves the use of trusted third parties.

Security levels for all electronic signatures vary according to the technology used. Simply typing a name on a document offers no security protection, and cannot be verified as unique to the originator. Bitmaps, which are digital versions of handwritten signatures, require large amounts of memory, are vulnerable to copying or pasting, and cannot be used to accurately tie the document to the signature. Electronic signature technologies which use biometric analysis offer a higher level of security. Digital signatures and the use of licensed third parties also yield a higher degree of security.

Several states have enacted electronic signature legislation with varying scopes and legal requirements. Some states have chosen to limit the scope of the law to transactions with state or public entities, or even to more specific purposes such as court documents, medical records, and state treasurer checks and drafts. Other states have applied their statutes to private as well as public transactions. State statues also have varying technology requirements which highlight the potential for future compatibility and interoperability problems.

III. SUMMARY OF MAJOR PROVISIONS

As reported, the Government Paperwork Elimination Act would provide a legal framework and time line for electronic transactions between individuals and businesses and the Federal government. Major provisions of the Act, as reported, include:

1. Each Federal agency would be required to make electronic versions of their forms available for electronic submission. Such electronic submission would be supported by guidelines issued by the Director of Office of Management and Budget (OMB) and the National Telecommunications Information Administration.

2. The bill establishes the following time lines:

(1) At 18 months, the Secretary of Commerce will report on the bill's effect on electronic commerce and individual privacy, agencies will make electronic forms available for downloading and printing, agencies will permit employers to store Federal forms electronically, and agencies will establish policies and procedures for implementation of this Act.

(2) At 60 months, final implementation deadline.

3. The bill provides definitions of key terms, and specifies under what circumstances, and in what special cases, an agency is not required to provide for the electronic submission of forms.

IV. LEGISLATIVE HISTORY

The Government Paperwork Elimination Act, S. 2107, was introduced by Senator ABRAHAM on May 21, 1998. The bill was co-sponsored by Senator WYDEN, Senator MCCAIN, and Senator REED. In June 1998, Senator LOTT, Senator COCHRAN, and Senator BURNS were added as co-sponsors to the bill. On July 15, 1998 the Commerce Committee held a hearing on digital signatures at which time testimony was heard from Mr. Andrew Pincus, General Counsel, Department of Commerce; Mr. Scott Cooper, Manager, Technology Policy, Hewlett Packard; Mr. Kirk LeCompte, Vice President, Product Marketing, PenOp Inc.; and Mr. Dan Greenwood, Deputy General Counsel, Information Technology Division, The Commonwealth of Massachusetts.

On July 29, 1998 the Committee met in executive session and, by a voice vote, ordered the bill, as amended, to be reported.

On September 17, 1998 the bill was reported to the Senate with an amendment in the nature of a substitute by the Senate Committee on Commerce, Science and Transportation and placed on the Senate Legislative.

On October 7, 1998, the bill was added as amendment # 3678 to S. 442, the Internet Tax Freedom Act by unanimous consent.

On October 8, 1998, the Internet Tax Freedom Act was passed by the Senate and sent to the House of Representatives.

On October 15, 1998, S. 2107 was passed in the Senate by unanimous consent.

On October 21, the bill passed the Senate as part of the Omnibus Appropriations Act.

V. PRIVACY

This legislation will not have an adverse impact on the privacy of individuals. The Director of the Office of Management and Budget, in cooperation with the Administrator of the National Telecommunications Information Administration will conduct an ongoing study of the Act's impact on individual privacy.

VI. PAPERWORK

This legislation will not increase the paperwork requirement for private individuals or businesses. The legislation would require two reports: (1) the Secretary of Commerce would be required to submit to Congress a report on the Act's effect on electronic commerce and individual privacy; and (2) the General Accounting Office would be required to submit to Congress a report on agencies' policies, procedures, and timeliness for the implementation of this Act.

VII. SECTION-BY-SECTION ANALYSIS OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

TITLE XVII GOVERNMENT PAPERWORK ELIMINATION ACT

Section 1. This section would permit the bill to be cited as the ''Government Paperwork Elimination Act.''

Section 2. Authority of OMB to Provide For Acquisition And Use Of Alternative Information Technologies By Executive Agencies. Amends current law to provide for the availability of electronic submission as a substitute for paper and for the use and acceptance of electronic signatures.

Section 3. Procedures For Use And Acceptance Of Electronic Signatures By Executive Agencies. Subsection (1) would require the Office of Management and Budget, in consultation with the National Telecommunications Information Administration to develop procedures for the use and acceptance of electronic signatures by Executive agencies.

Subsection (2) establishes the requirements for these procedures. Paragraph (i) would ensure that these procedures would be compatible with those used in the commercial and State government sectors. Paragraph (ii) would require that these procedures would not inappropriately favor one industry or technology. The intent of the bill is for the government to remain ''technology neutral.'' And, so as not to prescribe one electronic signature security level for all documents, paragraph (iii) would allow the security level to be commensurate with the document's sensitivity. Paragraph (iv) would require agencies to electronically acknowledge the submission of electronic forms. Paragraph (v) would require agencies to ensure multiple methods of electronic submission when it expects to receive 50,000 electronic submittal of a particular form, paragraph E would require the agency to make multiple electronic signature formats available for submitting the forms. To further ensure technology neutrality, ''multiple methods'' are required when a form is submitted in substantial enough volume so that the government does not favor a particular technology provider by accepting only one electronic signature technology.

The intent of the bill is not to mandate the use of a particular technology. Rather, the bill is intended to be technology neutral leaving open the possibility that a wide variety of existing technologies or technologies that will be developed in the future may be used by the Federal government in satisfying the requirements of this bill.

Section 4. Deadline For Implementation By Executive Agencies Of Procedures For Use And Acceptance Of Electronic Signatures. Requires that, when practicable, Federal forms must be available for electronic submission, with electronic signatures within 60 months after enactment.

Section 5. Electronic Storage And Filing Of Employment Forms. After 18 months from enactment, the Office of Management and Budget shall develop procedures to permit employers that are required by law to collect, file and store Federal forms concerning their employees, to collect, file and store the same forms electronically.

Section 6. Study On Use Of Electronic Signatures. This section would require the Director of the Office of Management and Budget, in cooperation with the National Telecommunications Information Administration to conduct an ongoing study on how this bill affects electronic commerce and individual privacy. A periodic report describing the results shall be submitted to the Congress.

Section 7. Enforceability and Legal Effect of Electronic Records.

This section stipulates that electronic records, or electronic signatures or other forms of electronic authentication, submitted in accordance with agency procedures, will not be denied legal effect, validity or enforceability because they are in electronic form. This provision is intended to preclude agencies or courts from systematically treating electronic documents and signatures less favorably than their paper counterparts.

Section 8. Disclosure Of Information. This section is intended to protect the privacy of individuals who submit information electronically to Federal agencies. Information submitted by individuals may only be used to facilitate electronic communications between that individual and the agency and may not be disclosed by agency employees without the affirmative consent of that individual. This section is not intended to supersede current law in this area.

Section 9. Application With Other Laws. This section would exempt the Internal Revenue Service (IRS) and the Department of the Treasury from the provisions in this Act, when in conflict with the administration of internal revenue laws or conflicts the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986. The IRS collection process should also be exempted from this Act.

Section 10. Definitions. This section would provide the definitions of several key terms used throughout this bill.

CHARITABLE CHOICE

Mr. ASHCROFT. Mr. President, recently, both the House and Senate voted unanimously to pass the conference report on S. 2206, the ''Coats Human Services Reauthorization Act of 1998.'' During House debate on the conference report, some members expressed concerns regarding bill language described as the ''charitable choice'' provision, which is similar to language I drafted for the welfare reform law passed in the 104th Congress and signed by the President in August of 1996.

As I have said in a previous floor statement, the charitable choice provision will expand the opportunities for private, charitable, and religious organizations to serve their communities with Community Services Block Grant (CSBG) funds. This provision expresses the judgment of Congress that these organizations can play a crucial role in helping people out of poverty through the CSBG program.

I am confident that the charitable choice language in the Community Services Block Grant reauthorization is constitutional and represents sound public policy. However, I want to respond to the comments made regarding this provision, as critics of the provision seem to overlook recent case law of the Supreme Court regarding this issue, and even mischaracterize certain sections of the charitable choice provision.

First, most of the concerns expressed by certain House members are based upon case law that does not represent the current jurisprudence of the Supreme Court. In recent years, the general trajectory of the Supreme Court's Establishment Clause cases has been in the direction of what constitutional scholars describe as ''neutrality theory.'' Under this theory, private organizations are eligible to provide government-funded services to beneficiaries through contracts, grants, or vouchers without regard to religious character. Moreover, there are serious constitutional problems when the government screens potential service providers based upon religious beliefs and practices—which is what the critics of charitable choice want to do.

The charitable choice provision in the 1996 welfare reform law and the Child Care Development Block Grant Program of 1990 conform to the principle of religious neutrality. Under the first legislation, charitable and faith-based organizations are eligible, on the same basis as all other non-governmental organizations, to receive federal funds to provide services to welfare recipients. Similarly, the child care law allows low-income parents to choose among an array of private providers—including religious ones—in obtaining federally funded day care services.

The test the Supreme Court has used over the years to analyze Establishment Clause cases has been the ''Lemon test,'' which has the two-fold requirement that the government action in question must have a valid secular legislative purpose, and a primary effect that neither enhances nor inhibits religion. (In the recent case of Agostini v. Felton, the Court took the third prong, the ''entanglement'' analysis, and folded it into the second prong of the test). The first prong, requiring a valid secular purpose, is usually not subject to much controversy, as the Court has been highly deferential to the legislature's action. In its review of the Adolescent Family Life Act (AFLA), for example, the Court noted that the ''provisions of the statute reflect at most Congress' considered judgment that religious organizations can help solve the problems to which the AFLA is addressed. Nothing in our previous cases prevents Congress from making such a judgment or from recognizing the important part that religion or religious organizations may play in resolving certain secular problems.''

The serious debate generally concerns the second prong of the Lemon test, namely, whether the ''primary effect'' of these social welfare initiatives is to advance religion. In neutrality theory, Lemon's primary-effect inquiry is accomplished by examining how a service provider actually spends the program monies. Obviously, the test is whether funds are being spent in accordance with the valid secular purposes set out in the governing statute, and as expressed in the service contract or grant at issue. These purposes necessarily exclude use of the monies for inherently religious programming.

On the other hand, critics of charitable choice would argue that the primary-effect inquiry should focus on whether a service provider is religious in character, and if so, how religious. An organization found ''too religious'' is dubbed ''pervasively sectarian,'' thereby disqualifying the organization as a provider of government-funded services.

In recent years, the Supreme Court has been moving away from this ''too religious'' versus ''secular enough'' inquiry, and toward the neutrality approach. Two of the Court's most recent pronouncements on this issue are

Agostini v. Felton and Rosenberger v. Rector and Visitors of the University of Virginia. Although the Court did not embrace the neutrality principle in these cases without certain qualifications, the law today is far closer to neutrality than to the ''no-aid separationism'' of the 1970s and mid-1980s espoused by critics of charitable choice.

In Agostini, decided in 1997, the Court held that remedial education for disadvantaged students could be provided on the premises of K through 12 religious schools—the only entities the Court has declared in the past to be ''pervasively sectarian.'' The Court was no longer willing to assume that direct assistance would be diverted to the inculcation of religion by authorities at Roman Catholic elementary and secondary schools.

In the 1995 Rosenberger case, the Court held that a state university could not deny student activity fund money, which was generally available to all students groups for student publications, to a certain student group based upon the religious content of its publication. The Court warned that the government's attempt to draw distinctions regarding religious content would require the government—and ultimately the courts—''to inquire into the significance of words and practices to different religious faiths, and in varying circumstances by the same faith. Such inquiries would tend inevitably to entangle the State with religion in a manner forbidden by our cases.'' The critics would ignore this warning in order to apply their ''too religious'' test.

Several prominent constitutional law scholars have recognized the Court's movement toward neutrality, including Professor Douglas Laycock of the University of Texas, Professor John Garvey of Notre Dame, Professor Michael McConnell of the University of Utah, Professor Michael Paulsen of the University of Minnesota, and finally, Professor Carl H. Esbeck of the University of Missouri. Professor Esbeck worked closely with my staff to draft the charitable choice provision of the welfare law, as well as my Charitable Choice Expansion Act, which I introduced earlier this year.

The consequences of relying upon the view propounded by critics of the charitable choice concept go beyond ignoring recent constitutional jurisprudence. They also result in bad public policy. Demanding that religious ministries ''secularize'' in order to qualify to be a government-funded provider of services hurts intended beneficiaries of social services, as it eliminates a fuller range of provider choices for the poor and needy, frustrating those beneficiaries with spiritual interests.

In examining a neutral program that includes both religious and secular providers, what matters is how the government money is actually spent, not the ideological character of the provider. Strict adherence to the ''too religious'' distinction perpetuated by the critics could actually eliminate current successful providers from eligibility to receive government funds.

Congress should continue to find ways to encourage successful charitable and faith-based organizations to unleash their effective good works upon society. The charitable choice provision is one such way to accomplish this goal.

In their discussion of the charitable choice provisions in the CSBG reauthorization bill, critics fail to acknowledge a valid distinction made by the Supreme Court: the difference between direct and indirect funding of government programs. When a program is administered through the use of certificates or vouchers given to beneficiaries, the religious nature of the organization at which the beneficiary redeems the voucher is irrelevant.

The Supreme Court has consistently held that government may confer a benefit on individuals, who exercise personal choice in the use of their benefit at similarly situated institutions, whether public, private nonsectarian, or religious, even if the benefit indirectly advances religion. The Court has made these rulings in Zobrest v. Catalina Foothills School District (1993), a case holding that the provision of special education services to a Catholic high student was not prohibited by Establishment Clause; in Mueller v. Allen (1983), where it upheld a state income tax deduction for parents paying religious school tuition; and in Witters v. Washington Department of Services for the Blind (1986), where the Court upheld a state vocational rehabilitation grant to disabled student choosing to use his grant for training as a cleric.

Moreover, the Child Care and Development Block Grant program, which has been in existence since 1990, allows parents to send their children to day care centers that are unquestionably ''pervasively sectarian'' in nature. This program has never been challenged as being violative of the Establishment Clause.

Should a community wish to set up a Community Services Block Grant program that gives individual beneficiaries vouchers or certificates to redeem at the location of their choice, there is no constitutional concern as to the religious nature of the organization providing services to that beneficiary.

There were also concerns expressed on the House floor that individuals would be directed by the government to religious organizations to receive Community Services Block Grant Services and forced to participate in religious activities. These concerns indicate that some members may not fully understand how the Community Services Block Grant program operates. Under this program, beneficiaries choose where they want to receive CSBG services—the government does not force certain individuals into certain programs.

CSBG services are not federal entitlements. This program was designed in the 1960s to provide flexible federal funding to communities to identify problems and needs in the community, and to then fashion and design a local solution. This is not a federally-directed solution. Rather, the CSBG program allows the community to find the most appropriate organizations in the community to offer different types of services to individuals.

Community Services Block Grant services are offered voluntarily to individuals in the community. People are not directed into these programs by the government. In fact, there are most likely existing government programs in the community, offering similar types of services, such as job training, basic education courses, and housing services. The Community Services Block Grant program maximizes individual choice at the local level by providing services to those who are fighting their way out of poverty.

Therefore, those who say that the charitable choice provision in the CSBG program is going to force individuals into religious programs and provide no alternatives misunderstand how the CSBG program operates.

The critics are also wrong when they say that a faith-based provider can compel a beneficiary to go to worship services or to submit to an attempt of proselytization. The argument fails to acknowledge that the charitable choice provision contains language stating that ''[n]o funds provided directly to organizations shall be expended for sectarian worship, instruction, or proselytization.'' Thus, CSBG funds must not be used to carry out inherently religious purposes. Rather, the funds are for the secular public purposes of the legislation, which include reducing poverty, revitalizing low-income communities, and empowering low-income families and individuals in rural and urban areas to become fully self-sufficient, especially those families who are attempting to transition off of welfare.

Therefore, the structure of the Community Services Block Grant program, along with the clearly spelled-out uses of and prohibitions on CSBG funding, ensure that beneficiaries will have maximized choices of where to receive services to help them escape poverty and reach self-sufficiency.

One argument was made that the charitable choice provision could result in the government having to provide financial audits of churches and other religious organizations who might be eligible for funds under a charitable choice program.

This statement appears to express a concern that a religious organization would subject itself to government intrusion by its receipt of CSBG funds. I share this concern, and for that reason, I included in the charitable choice provision language protecting a religious organization from such intrusion. This language requires a religious organization to segregate government funds

from funds received from non-government sources. Additionally, the provision states explicitly that only government funds are subject to government audit.

Therefore, the charitable choice provision protects participating religious organizations from unwarranted governmental oversight, while also holding such organizations financially accountable in the same way as all other non-governmental providers receiving government funding.

There was also a statement made on the House floor that the charitable choice provision ''would seek to enact exemptions from the religious discrimination clauses of the Civil Rights Act of 1964.'' This is a misstatement of what the provision says. Charitable choice does not create an exemption from the Civil Rights Act of 1964. Rather, it states that it preserves the exemption in the law allowing religious organizations to make employment decisions based on religion. The Supreme Court affirmed the constitutionality of this provision in Corporation of the Presiding Bishop v. Amos (1987). Receiving government funds for a secular purpose does not, of course, result in a waiver of this exemption. See, e.g., Siegel v. Truett-McConnell College, 1994 WL 932771 (N.D. Ga. 1994).

If a religious nonprofit organization must hire persons in open disagreement with the religious background and mission of the organization, its religious autonomy would be severely infringed. In fact, many successful faith-based organizations have stated that they would not take government funding if it would require them to hire employees who did not hold the same religious beliefs of the organization. For example, the International Union of Gospel Missions conducted a survey of their missions and found that some of these missions refused government funding if it required them to hire non-Christians.

The Charitable Choice makes clear that a religious organization maintains its Title VII exemption when it receives government funds to provide social services.

There was also an argument made that the charitable choice provision would require the government to consider using fringe religious groups to provide CSBG services. Although I find this to be more of a scare tactic than a legitimate argument, I think it is obvious that the charitable choice provision will not require the government to blindly select any non-governmental organization that applies for CSBG funds. The government may require legitimate, neutral criteria to all who apply. No organization, religious or otherwise, can become a provider unless it can deliver on its grant or contract.

Finally, there was an argument that the charitable choice provision could override the constitutional language of states prohibiting public funds from going to religious organizations. I would simply respond that the charitable choice provisions are in federal law dealing with federal dollars. We do not tell the states how to spend their own state tax funds.

In conclusion, the opponents of the charitable choice concept have not taken into account the latest Establishment Clause jurisprudence. If there is a comprehensive, religiously neutral program, the question is not whether an organization is of a religious character, but how it spends the government funds.

To reject charitable choice is to jeopardize Congress' ability to encourage proven, effective religious organizations to provide social services to our nation's needy with government funds. For years, these organizations have been transforming broken lives by addressing the deeper needs of individuals—by instilling hope and values that help change behavior and attitudes. By contrast, government-run programs have often failed in moving people from dependency and despair to independence. We must continue to find ways to allow private, charitable, and religious organizations to help administer the cultural remedy that our society so desperately needs. The charitable choice provision in the ''Coats Human Services Reauthorization Act of 1998'' is one way of accomplishing this goal.

THE LEGENDARY FRANK YANKOVIC

Mr. DEWINE. Mr. President, I rise today to pay tribute to one of the greatest musicmakers in the history of the Buckeye State, the legenday ''Polka King,'' Frank Yankovic, who died yesterday at age 83.

Frank Yankovic was from Cleveland, OH, but he had fans not just in Ohio but all over America. He brought joy to millions with his lighthearted polka hits—songs whose very titles can occasion a smile—songs like and ''Champagne Taste and a Beer Bankroll'' and ''In Heaven There Is No Beer.''

Frank Yankovic won a Grammy Award, and was nominated for three more. With his passing, the world of music, and indeed all Americans who believe that music is supposed to be fun, have lost a true friend.

The voice of Frank Yankovic resounds through the decades, asking the question that most everyone in northeast Ohio grew up with: ''Who stole the kishkes?''

Mr. President, it is my hope and strong belief that St. Peter is even now answering this question for Frank Yankovic—as he welcomes him to the polka band that used to be known as the heavenly choir.

On behalf of the people of Ohio, let me say thank you to this great Ohioan—for a lifetime of entertainment.

TRIBUTE TO MARIAN BERTRAM

Mr. DASCHLE. Mr. President, as the 105th Congress comes to a close, I take this opportunity to express my appreciation, and I think the appreciation of all Members on our side of the aisle, and particularly the staff of the Democratic Policy Committee, to an individual who has dedicated 27 years to public service and the United States Senate. Marian Bertram, the personable and talented Chief Clerk of the Democratic Policy Committee, is leaving the Senate at the end of this year.

Marian, who began her work at the Democratic Policy Committee in 1971, has served four Democratic Leaders—Mike Mansfield, ROBERT BYRD, George Mitchell and myself. She has an unparalleled knowledge of the legislative process. Since its inception and for many years thereafter, she had the major responsibility of reaching and writing one of the Committee's most popular publications, the Legislative Bulletin. Equally important, she has the vital and demanding responsibility for the production of Voting Records and vote analyses provided to all Democratic members.

In addition to her legislative work, Marian assumed the job of Chief Clerk of the Policy Committee in 1989. Through her competence and dedication and command of every detail of the Committee's operation and budget, she makes a major contribution to the smooth running of the Policy Committee.

Marian handles this broad range of responsibilities with professional skill, equanimity, and unfailing good humor. She will be dearly missed by her friends and colleagues in the Senate.

All of us offer Marian our sincere thanks and every good wish for her continued success. Thank you, Marian Bertram.

NOMINATION OF DR. JANE HENNEY TO THE FDA

Mr. NICKLES. Mr. President, I wish to speak on the nomination of Dr. Jane Henney to be Commissioner of FDA.

Mr. President, the nomination of the FDA commissioner is one of the most important nominations the Senate has considered this year. The FDA regulates products comprising twenty-five cents of every dollar spent by consumers in this country. It deals with literally life and death issues on a daily basis. Given the significant impact the FDA has on the life of every American, it is important that the Senate exercise caution to ensure the next Commissioner is qualified and capable of leading the Agency.

I have let Dr. Henney know, and I let Secretary Shalala know, that I had some concern with FDA as it has been administered for the last few years. The FDA should be a non-partisan science based Agency which focuses solely on its mission to ensure the safety of food and to expeditiously review drugs and medical devices which are intended to save and extend lives. And for this reason I felt I needed personal assurance from Dr. Henney that under

her leadership the FDA would focus on its Congressionally mandated mission.

FDA is supposed to be an agency that works to improve our health, that works to make sure that drugs and other medical devices are safe and effective. What we have found, under Dr. Kessler's regime, particularly during the Clinton administration, was that the FDA was involved in a lot of political activity. Under the leadership of David Kessler, the Agency too often became a tool of the Administration to push its liberal political agenda. One area where this was particularly offensive was the FDA's attempt to regulate tobacco.

Let me give an example of where I believe they exceeded their authority. In my State, just recently—I tell my colleagues, this is going to happen in every State—an FDA talking paper announced that ''FDA Partners With Oklahoma To Protect Children From Tobacco.''

The Food and Drug Administration has contracted with the Oklahoma State Dept. of Health to enforce the FDA's new regulation that prohibits retailers from selling cigarettes and smokeless tobacco to children under 18.

I will go on:

Under the contract, the State of Oklahoma will receive [$312,000] to conduct approximately 4,500 unannounced retail compliance checks over the next 12 months.

It goes on:

The FDA will seek a fine of $250 for the second violation, $1,500 for the third [violation], $5,000 for the fourth, and $10,000 for the fifth.

So, if a convenience store doesn't comply and they don't check IDs—and they have to check IDs up to age 27. In Oklahoma, it is legal to smoke when you are 18—but if a youngster, who is maybe 19, working in a convenience store, doesn't check somebody's identification who might be 26 or 27 years old, they can be fined up to $10,000. Somebody might say, ''Where is this idea originating? It is legal for them to smoke, but if they don't check IDs of somebody up to age 27 they can be fined $10,000?''

This is implementing FDA's regulation. FDA's regulation, in my opinion, is unconstitutional. They don't have the authority to write the law.

The Constitution says in article I, section 1:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Where did this regulation come from? It came from FDA, and it came from the FDA Administrator, working with the Clinton administration, to basically implement a very, I think, political agenda. I might mention that the regulations are being contested in court, and most of those regulations are being thrown out. In fact, on August 14, 1998, the Fourth Circuit Court of Appeals ruled that Congress did not intend to give the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco. In a 2–1 decision the Appeals Court tossed out a 1997 federal district court ruling that gave FDA only limited power to regulate tobacco. ''The FDA has exceeded the authority granted to it by Congress.'' So said Circuit Judge H. Emory Widener Jr., on behalf of the three-member panel.

I happen to favor regulation on tobacco, but I think Congress needs to act on it. The FDA does not have the authority to create it out of whole cloth, which is certainly what they did. I favor some decent regulations. I don't favor the idea of having a team of people making 4,500 unannounced retail compliance checks all over my State and the Federal Government spending over $300,000 implementing this type of plan, or having the regs be so ridiculous we are going to be checking IDs up to age 27. I don t support regulations that allow the FDA to fine people and businesses who don't comply, up to $10,000 per violation, basically, fining them out of existence. That doesn't make sense.

Mr. President, I ask unanimous consent that at the conclusion of my statement, an FDA talking paper, which announces this implementing regulation which has the force and effect of fines up to $10,000, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. NICKLES. Mr. President, another area where I have seen FDA become very involved in the political arena deals with the abortion drug RU–486. I have a press release that is dated May 16, 1994. The headline is: ''Roussel Uclaf Donates U.S. Patent Rights for RU–486 to Population Council.''

The first paragraph says:

HHS Secretary Donna E. Shalala announced today that French pharmaceutical company Roussel Uclaf, at the encouragement of the Clinton administration, is donating, without remuneration, its United States patent rights for mifepristone (RU–486) to the Population Council, Inc., a not-for-profit corporation.

Then further in the press release it says:

''FDA will do all it can to quickly evaluate mifepristone,'' said Shalala.

I ask unanimous consent that this press release be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. NICKLES. Mr. President, this is an administration that had FDA go out and recruit a company that manufactures RU–486, a French company, to donate its patent rights to a group which is an abortion proponent in the United States and then was doing everything they could to expedite the process.

RU–486 is an abortion pill which terminates the life of a human embryo between FOUR weeks and NINE weeks. It is NOT a contraceptive as some would have us believe. It is a drug which will stop the beating heart of an unborn child.

In January 1993, President Clinton issued a memo to Sec. Shalala directing her to promptly ''assess initiatives by which HHS can promote the testing and manufacturing of RU–486 in the US.''

Thereafter, the FDA engaged in negotiations with Roussel Uclaf, French manufacturer and holder of US Patent rights, regarding the testing and marketing of RU–486 in the US.

In May 1994, Shalala issued this press release, I mentioned, announcing the deal and promising FDA would do everything it could to ''quickly evaluate the drug.'' FDA pushed the drug through the review process in a fraction of time required for most drugs.

FDA's Center for Drug Evaluation and Research reported that the median total review time for new drug applications in 1996 was 14.8 months. FDA review time for RU–486 was only 6 months.

At a time when the agency was struggling to approve drugs which cure diseases and save lives, the Agency was focusing a great deal of time and effort on a political agenda which would end the life of an unborn child.

I am offended by that, and I asked Dr. Henney:

Are you going to be promoting an abortion drug? Is that what an FDA Commissioner is supposed to do? Is that their purpose?

I thought the purpose of FDA was to make sure drugs were safe and effective and that medical devices are safe and effective so people can have some confidence in these products. I didn't know it was the purpose of FDA to recruit companies to bring abortion drugs to into this country. That is clearly not their purpose.

After talking with Dr. Henney, she assured me that wasn't her intention. She gave me a letter, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. NICKLES. Mr. President, the concluding sentence of her letter says:

If I am confirmed as Commissioner, I would not solicit a manufacturer for RU–486.

She also says:

As a general matter, I believe the Agency should only solicit product applications in extraordinary circumstances in which there is a clear public health need.

Certainly trying to recruit a manufacturer and provider of abortion drugs doesn't fit in that category, and I appreciate her statement she will not solicit a manufacturer of RU–486.

It bothers me that the Secretary of Health and Human Services and this Clinton administration have done so much to circumvent the process, to use FDA in the process. I think it is politicizing an agency that is supposed to be focused on its mission to protect the public health and to expeditiously review drugs and medical devices that will save and extend life.

Mr. President, I also met with Secretary Shalala a couple of times and

wanted assurances from her that the Department of Health and Human Services would interpret the law as written, would enforce the law as written and not try to rewrite it.

Unfortunately, we found out that the Department of Health and Human Services was trying to redefine the Hyde amendment which Congress defined. They were trying to redefine it to broaden the exceptions.

The Hyde amendment, as most of my colleagues know, says we will not have Federal funding for abortion except for in cases of rape, incest or to save the life of the mother. There is not a mental health exemption in that. Many people have tried to put it in. The administration has. But we clearly defined it, Congress defined it as the Hyde amendment, no mental health exception.

I have a letter from Secretary Shalala that says this activity will cease and they will interpret the Hyde amendment as written.

We also found, Mr. President, that under the Kidcare Program HHS had misinterpreted the abortion language. We made it very clear in three different sections in that law that abortion was not going to be a fringe benefit which we were going to provide for teenagers. We made the language very, very clear.

Much to my consternation, we were contacted by officials of the State of Virginia who said HHS was trying to mandate that they have abortion services covered even though it was certainly their wish and option that they didn't want that to be the case.

After meeting with Secretary Shalala, and after an exchange of several letters, she finally assured me that wasn't the case. I will insert her letters and mine and Representative BLILEY's letter into the RECORD. But we now have assurances from Secretary Shalala. I will read the last part of her letter sent to me on October 15:

States are not required to provide abortion services, including abortion services for which coverage is permissible under title XXI of the Social Security Act, under any of the S-CHIP—

That is the State Children's Health Insurance Program—

benefit package options in section 2103. No State will be denied approval of its S-CHIP plan because its benefit package under section 2103 does not include coverage of abortion services, including abortion services for which coverage is permissible under title XXI.

Thank you for your interest in this matter.

I am pleased that Secretary Shalala agreed with us that she would interpret the law as written, and that includes both the Hyde language and language in the Kidcare program dealing with abortion. I am pleased that I have assurances from Dr. Henney that if she is confirmed Commissioner of FDA, she will not recruit manufacturers and providers for an abortion drug, including RU–486.

Mr. President, I ask unanimous consent that this entire set of letters be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 4.)

Mr. NICKLES. Mr. President, it is my intent to support the nomination of Dr. Henney. After meeting with her a couple of times, and having discussions on these and other issues, I am confident that she will be a very able administrator who will not play politics. In my opinion, she doesn't have a political agenda, and I believe she will try to administer the Food and Drug Administration as a professional organization to make sure that drugs and medical devices are safe and effective for America's population, and that she won't try to implement legislation through regulation.

Mr. President, I wasn't the only Senator who had reservations about this nominee. I had reservations until we could get certain clarifications. I received those. I have asked they be printed in the RECORD to substantiate the progress that was made, and I urge my colleagues to support her nomination.

I yield the floor.

EXHIBIT 1

[From FDA Talk Paper, Oct. 2, 1998]

FDA PARTNERS WITH OKLAHOMA TO PROTECT CHILDREN FROM TOBACCO

The Food and Drug Administration (FDA) has contracted with the Oklahoma State Dept. of Health to enforce FDA's new regulation that prohibits retailers from selling cigarettes and smokeless tobacco products to children under 18.

Under the contract, the State of Oklahoma will receive $312,386.75 to conduct approximately 4,500 unannounced retail compliance checks over the next 12 months. Minors in typical dress, accompanied by an adult, will attempt to purchase cigarettes or spit tobacco in retail stores throughout the State of Oklahoma.

Information about the compliance checks will be sent to FDA, which will issue a warning for the first violation to retailers found selling to the adolescents. These retailers will be subject to repeat inspections. FDA will seek a fine of $250 for the second violation, $1,500 for the third, $5,000 for the fourth, and $10,000 for the fifth.

The first provisions of FDA's final rule to protect children from tobacco took effect Feb. 28, 1997, making age 18 the national minimum age to purchase tobacco products and requiring retailers to check photo IDs of anyone under age 27. These measures are part of a comprehensive program designed to reduce by half the number of young people who smoke in the next seven years. FDA published the final rule Aug. 28, 1996, with provisions that limit access by children and adolescents to tobacco products and reduce the appeal these products have for underage smokers.

Children and adolescents have long had easy access to tobacco products. In 13 studies reviewed by the Surgeon General, minors were successfully able to buy cigarettes 67 percent of the time.

In fact, 3,000 children and adolescents become regular smokers every day, and nearly 1,000 will die prematurely from a smoking-related disease.

On Aug. 14, 1998, a majority of a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit in Richmond, Va., ruled that FDA lacks the jurisdiction to regulate tobacco products, reversing the decision of the U.S. District Court for the Middle District of North Carolina. However, the Department of Justice is seeking review of this decision by the full Fourth Circuit. Under the court of appeals' rules, unless otherwise directed by the Fourth Circuit, the effect of the decision is automatically stayed, meaning the status quo is maintained until the Court has the opportunity to rule on the government's rehearing request. This means, pending the Court's review, the parts of the FDA tobacco program that have been in effect since February 1997 will remain in effect and that state contracts such as this one with Oklahoma continue to be awarded and implemented.

This case involves an appeal of an April 25, 1997, decision from Judge William Osteen of the U.S. District Court in Greensboro, N.C. He ruled that FDA has jurisdiction under the Food, Drug and Cosmetic Act to regulate nicotine-containing cigarettes and smokeless tobacco. The court upheld all restrictions involving youth access and labeling, including the two provisions that went into effect Feb. 28.

The State of Oklahoma is one of 53 states and territories that are eligible to contract with FDA. FDA will use a portion of the $34 million it has budgeted this year to assist states in enforcing the regulation and to educate retailers and the general public on the new provisions that went into effect in last February. President Clinton has requested $134 million for tobacco regulation in his FY 1999 budget submission to Congress.

EXHIBIT 2

[From Eagle Forum, Oct. 9, 1998]

ROUSSEL UCLAF DONATES U.S. PATENT RIGHTS FOR RU–486 TO POPULATION COUNCIL

HHS Secretary Donna E. Shalala announced today that French pharmaceutical company Roussel Uclaf, at the encouragement of the Clinton administration, is donating, without remuneration, its United States patent rights for mifepristone (RU–486) to the Population Council, Inc., a not-for-profit corporation.

RU–486 has been marketed for non-surgical termination of pregnancies in France, the United Kingdom and Sweden. The drug is also under study for labor induction, contraception, Cushing's syndrome, endometriosis, meningioma and breast cancer.

''We strongly believe that women in America should have access to the full range of safe and effective alternatives to surgical abortion,'' Shalala said. ''The donation announced today is a big step in that direction.''

On Jan. 22, 1993, President Clinton signed a Presidential Memorandum directing the Department of Health and Human Services to assess initiatives to promote the testing and licensing of RU–486 in the United States.

Shalala commended Roussel Uclaf and the Population Council for coming to closure after months of complex negotiations amid repeated urging from the Clinton administration.

Shalala emphasized, however, that the donation does not mean RU–486 has been approved for use in the United States. The Population Council must conduct clinical trials, identify a manufacturer and submit a new drug application to the Food and Drug Administration.

''The FDA will do all it can to quickly evaluate mifepristone,'' said Shalala. ''FDA's decision will be based solely on the scientific and medical evidence as to the safety and efficacy of the drug. That is our responsibility to the women of America.''

HHS FACT SHEET

MIFEPRISTONE (RU–486). BRIEF OVERVIEW, MAY 16, 1994

On Jan. 22, 1993, in one of his first official acts, President Clinton issued a memorandum directing HHS Secretary Donna E. Shalala to assess initiatives to promote the testing and licensing of mifepristone (RU–486) in the United States.

During early 1993, Secretary Shalala and FDA Commissioner David Kessler communicated with senior Roussel Uclaf officials to begin efforts to pave the way for bringing RU–486 into the American marketplace.

In April 1993, representatives of FDA, Roussel Uclaf and the Population Council, a not-for-profit organization, met to discuss U.S. clinical trials and licensing of RU–486. Over the last year, the parties continued their negotiations, culminating in the donation announced today. Roussel Uclaf will transfer, without remuneration, its United States patient rights to mifepristone to the Population Council. In turn, the Population Council will take the necessary steps to bring RU–486 to the American market.

Mifepristone was developed by the French firm Roussel Uclaf. The drug has been marketed for use to non-surgically terminate pregnancy in France, the United Kingdom and Sweden. There are several investigative trials underway with FDA for other uses of the drug, including contraception, labor induction, Cushing's syndrome, endometriosis, meningioma and breast cancer.

It must be recognized that termination of a pregnancy is not a simple medical procedure, whether it is done surgically or through a medical regimen. In France, the United Kingdom and Sweden, where RU–486 has been administered to approximately 150,000 women, the procedure requires several visits to the medical facility, a precisc dosing scheme using two different drugs, and close monitoring to care for women who may experience excessive bleeding or other complications. Any use of mifepristone in the United States would have to follow the same type of strict distribution and use conditions.

EXHIBIT 3

OCTOBER 14, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for meeting with me and Secretary Shalala concerning my nomination to be Commissioner of the Food and Drug Administration (FDA). I appreciate the time and consideration that you have given to my nomination.

I want to take this opportunity to restate that during my earlier service at FDA (1992–1994) I was not involved either in the solicitation or the review of the RU–486 application. As a general matter, I believe the Agency should only solicit product applications in extraordinary circumstances in which there is a clear public health need.

If I am confirmed as Commissioner, I would not solicit a manufacturer for RU–486.

Thank you again for considering my nomination.

Sincerely,

JANE E. HENNEY, M.D.

EXHIBIT 4

CONGRESS OF THE UNITED STATES,
Washington, DC, October 7, 1998.

Hon. DONNA E. SHALALA,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Last July, the Health Care Financing Administration (HCFA) sent to state Medicaid directors a note correctly interpreting the Hyde Amendment as it was enacted in your Department's appropriations bill for FY 1998.

''The recently enacted Appropriations Act contained new requirements for federally funded abortions. One of those requirements is that, in order to receive federal funding, a physician must certify that a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.''

That directive forecloses any possible consideration concerning mental health. Yet it now appears that a HCFA departmental meeting has been scheduled to discuss whether some mental problems that have a physical origin might make a patient eligible for a taxpayer-funded abortion. This is the worst kind of bureaucratic loophole-knitting. It must stop.

We, therefore, call upon you to take immediate action to investigate and stop any activities that may be taken by officials at HCFA in an effort to circumvent the Hyde Amendment. We also request that you report back to us, by November 1, 1998, your findings regarding this investigation and the action taken by you to halt these activities.

Sincerely,

DON NICKLES,
Assistant Majority Leader,
U.S. Senate.

HENRY J. HYDE,
Chairman, Committee on the Judiciary,
U.S. House of Representatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 12, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for the letter from you and Chairman Hyde concerning the Department's interpretation of the Hyde amendment as it affects federally funded abortions. As you know, I take very seriously the Department's obligation to fully implement the law as enacted by the Congress, Nancy Ann DeParle, the Administrator of the Health Care Financing Administration (HCFA), shares this commitment.

Let me assure you that in order for federal funds to be used to cover abortion, a physician must certify that a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

We have no intention to instruct states on this issue other than to reiterate the statutory obligation that must be met to utilize federal funds for legally permissible abortions.

I trust this addresses your concerns. Please let me know if I can be of further assistance in this matter. An identical letter has been sent to Chairman Hyde.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT MAJORITY LEADER,
Washington, DC, October 7, 1998.

Hon. DONNA E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: It has come to our attention that the Health Care Financing Administration (HCFA) is wrongly interpreting provisions included in the Balanced Budget Act of 1997 (BBA) regarding Title XXI of the Social Security Act. Despite the clarity of the law, your agency is seeking to compel States to cover abortions under their State Children's Health Insurance Program (S–CHIP) plans HCFA's actions are in direct contravention of the Balanced Budget Act of 1997.

As you are aware, Congress codified the Hyde language in the new Title XXI language establishing the S–CHIP program (See sections 2105(c)(1), 2105(c)(7) and 2110(a)(16)). This language prohibits the use of funds under this program to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion except where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

Of particular relevance to the current dispute is the fact that in each of the aforementioned sections, even this limited scope of permissible abortion payment or coverage is triggered by the extent (if any) to which a State elects to include abortion payment or coverage in its S–CHIP State plan. As a result, there exists no requirement that States cover abortions in the case of rape, incest, or life endangerment. Rather, these are the only instances in which a State which chooses to pay for abortions or abortion coverage may do so.

In addition to codifying the Hyde amendment, Congress explicitly distinguished in BBA between abortion and medically necessary services under Title XIX of the Social Security Act (See section 4707(e)(1)). By citing abortion as an exception to the standard of medical necessity, Congress removed the basis upon which Medicaid coverage of abortion was previously required.

Based on these provisions of law, HCFA has no authority to require any State to provide abortion coverage as part of their Title XXI program. As a result, any disapproval of a State plan on these grounds is contrary to law. We request your immediate written assurance that HCFA will no longer require States to cover abortions under their S–CHIP plans.

Sincerely,

DON NICKLES,
Assistant Majority Leader.
TOM BLILEY,
Chairman, Committee on Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 3, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for the letter from you and Chairman Bliley concerning abortion coverage under the Title XXI State Children's Health Insurance Program (S–CHIP). As explained in greater detail below, states do have the discretion to determine whether to provide coverage for permissible abortion services in their S–CHIP programs.

First, let me say that we have gone to great lengths to ensure that the Department's implementation of the S–CHIP program is consistent with congressional intent and flexible to meet the needs and circumstances of individual states. We have consulted frequently with Members of Congress and staff on a bipartisan basis, and have worked with state officials to facilitate the implementation of their programs. To date, we have approved 42 state plans under the Title XXI program.

In addition to the Title XXI Medicaid expansion option, states have three options for insurance coverage under the S–CHIP program, Benchmark, Benchmark-Equivalent, or Secretary-Approved Coverage. States are

free to exclude coverage for permissible abortion services in their Benchmark (provided a state's Benchmark plans does not cover abortions) or Benchmark-Equivalent options.

To ensure as much consistency as possible in our approval process, we have limited the exercise of our discretion under the third option, Secretary-Approved Coverage, to cases in which the benefits offered under a state's S–CHIP program are the same as under its Medicaid plan. This provided state with the flexibility to use their existing Medicaid programs and structures without have to extend an entitlement to new S–CHIP enrollees. Given the substantial flexibility in design their benefit packages that states enjoy under the Benchmark and Benchmark-Equivalent options, this limited approach to Secretary-Approved Coverage does not unduly constrain the benefits options available to states.

Please let me know if I can be of further assistance on these issues. An identical letter has been sent to Chairman Bliley.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT MAJORITY LEADER,
Washington, DC, October 13, 1998.

Hon. DONNA E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Thank you for your recent letter. While I appreciate your timely response, I would like specific answers to the concerns that were raised in my earlier letter. On behalf of chairman Bliley and me, I request your direct response to the following questions:

(1) On the basis of your letter dated October 13, 1998, is it the Department's view that the Hyde language contained in the S–CHIP program does not require states to provide abortion coverage in the circumstances where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest (See section 2105(c)(1), 2105(c)(7), and 2110(a)(16))?

(2) Is it your contention that a state which covers elective abortions under Medicaid and which opts to offer ''Secretary-approved coverage'' under S–CHIP must cover elective abortions for teenage girls under its S–CHIP program?

(3) In light of your letter, is it your contention that abortion is no longer considered a ''medically necessary'' service under the Medicaid program (See section 4707(e)(1)?

(4) In what manner do you view abortion as ''appropriate coverage for the population of targeted low-income children proposed to be provided such coverage'' by Virginia or any other state which submits an application for Secretary-approved coverage (See section 2103(a)(4))?

Again, I request your immediate written response to the questions above. Thank you in advance for your cooperation.

Sincerely,

DON NICKLES,
Assistant Majority Leader.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 14, 1998.

Hon. DON NICKLES,
Assistant Majority leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for your most recent letter and the opportunity to clarify our October 13, 1998 response concerning coverage of abortion services under the Title XXI State Children's Health Insurance Program (CHIP).

I would like to clarify my response to you concerning the conditions under which I would approve CHIP benefit packages for Title XXI non-Medicaid state programs (S–CHIP). In general, our policy has been that a state must provide a benefit package that is equal to, or better than, Benchmark or Benchmark-Equivalent Coverage. In my letter to you yesterday, I stated that we have limited the exercise of our discretion under the Secretary-Approved Coverage option to cases in which the benefits offered under a state's S–CHIP program are the same as under its Medicaid plan. Indeed, we decided as a matter of policy in devising our S–CHIP implementation process that this approach provided an important benefit option that states might not otherwise have.

However, after asking staff to review our records yesterday, it appears that in addition to Medicaid plans, we may have considered as Secretary-Approved Coverage other benefit packages. This occurred in instances in which a state provided benefits in excess of the statutorily defined Benchmarks. Apparently, there was discussion in the Department that it might be desirable to use the Secretary-Approved Coverage option for states that want to provide more benefits than required by law without requiring them to submit a formal actuarial estimate.

As a result of this review of our records and staff deliberations, I have decided that as long as a state proposed to provide benefits in excess of Benchmark Coverage, states will not be required to cover permissible abortion services under the Secretary-Approved Coverage option. We have already informed you that states are free to exclude coverage for permissible abortion services in their Benchmark (provided a state's Benchmark plan does not cover abortions) or Benchmark-Equivalent options.

I would like to address the specific questions you raised in your October 13, 1998 letter.

(1) On the basis of your letter dated October 13, 1998, is it the Department's view that the Hyde language contained in the S-CHIP program does not require states to provide abortion coverage in the circumstances where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest (See Section 2105 (c)(1), 2105 (c)(7), 2110 (a)(16))?

As discussed above, states are not required to provide permissible abortion services under any of the three S-CHIP program options. However, to the extent that a state chooses a package that covers abortion services under the Benchmark option, they must provide these services to the extent they are allowed under the CHIP statute.

(2) Is it your contention that a state which covers elective abortions under Medicaid and which opts to offer ''Secretary-approved coverage'' under S-CHIP must cover elective abortions for teenage girls under its S-CHIP program?

As discussed above, states are not required to cover permissible abortion services in order to receive Secretary-Approved Coverage. States do, however, have to offer at least the scope of benefits provided in their Benchmark plan.

(3) In light of your letter, is it your contention that abortion is no longer considered a ''medically necessary'' service under the Medicaid program (See section 4707(e)(1))?

We do not believe that Section 4707(e)(1) affects whether abortion services are medically necessary services under Medicaid. As a general matter, this section of the law describes the intermediate sanction regime a state must put in place in implementing the law. It does not affect the scope of benefits required under a state plan. Specifically, Section (e)(1)(A) permits states to provide for sanctions against any Medicaid managed care organization contracting with a state if that organization fails substantially to provide medically necessary items and services under the law or the organization's contract. Accordingly, if a managed care entity has agreed by contract to provide those services and does not do so, it may be sanctioned by operation of this section of the law. Notwithstanding that provision, Section (e)(1)(B) instructs that there shall not be any sanction imposed on a managed care entity that has contracted with a state and that fails or refuses to provide abortion services, so long as the contract itself reflects no obligation to provide such services. Moreover, the inclusion of these provisions strongly indicates that abortion services are medically necessary services under the Medicaid program, otherwise an exception to the general rule would not have been included.

(4) In what manner do you view abortion as ''appropriate coverage for the population of targeted low-income children proposed to be provided such coverage'' by Virginia or any other state which submits an application for Secretary-approved coverage (See Section 2103(a)(4))?

Abortion services may be covered under Section 2103(a)(4) to the extent that a state chooses to include coverage for permissible abortion services in its otherwise qualified plan. Limited abortion services qualify as covered services under Section 2110(a)(16) of the CHIP law.

I hope this information addresses your concerns. Please let me know if you would like to discuss this matter further.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT MAJORITY LEADER,
Washington, DC, October 15, 1998.

Hon. DONNAL E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Thank you for your letter of October 14. Chairman Bliley and I have analyzed your responses to the questions posed in the October 13 letter and continue to have grave concerns about the manner in which the Department interprets the plain legislative language of Title XXI of the Social Security Act. In particular, your most recent response states, in part, that ''to the extent that a state chooses a package that covers abortion services under the Benchmark option, they *must* provide these services to the extent they are allowed under the CHIP [*sic*] statute.'' (emphasis added)

This interpretation has no basis in the statutory language of the State Children's Health Insurance Program (SCHIP). Section 2103 defines the various options that states have in crafting the benefits package offered through their SCHIP plan. In every instance, states are given the full discretion to establish the specific benefits to be offered to children covered under the state's SCHIP plan. We call your attention to the explicit use of the terms ''equivalent'' in Section 2103(a)(1) relating to Benchmark Coverage and Section 2103(a)(2) relating to Benchmark-Equivalent Coverage. We also call your attention to the ability of states to ''modify'' the benefits package offered through Section 2103(a)(3), as provided in 2103(d)(2).

We appreciate your recognition, as stated in your October 14 response, that ''states are not required to provide permissible abortion services under any of the three S–CHIP program options.'' We also appreciate your recognition, as stated in the same letter, that states are not required to provide abortion coverage under the Secretary-Approved Coverage option (Section 2103(a)(4).

However, your continuing assertion that any requirement exists in Title XXI of the Social Security Act compelling states to

provide abortion coverage or services is unacceptable and contrary to public law.

Once again, we request your immediate written response to the concerns stated above. In addition, I invite your staff to meet with our staff as soon as possible to explain the legal basis for the interpretation presented to us in your October 14 letter. Thank you in advance for your cooperation.

Sincerely,

DON NICKLES,
Assistant Majority Leader.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
Washington, DC, October 15, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: I wanted to provide further information with respect to issues discussed in our recent correspondence.

States are not required to provide coverage of abortion services, including abortion services for which coverage is permissible under Title XI of the Social Security Act, under any of the S–CHIP benefit package options in section 2103. No state will be denied approval of its S–CHIP plan because its benefit package under section 2103 does not include coverage of abortion services, including abortion services for which coverage is permissible under Title XXI.

Thank you for your interest in this matter.

Sincerely,

DONNA E. SHALALA.

TRIBUTE TO SENATOR KEMPTHORNE

Mr. ABRAHAM. Mr. President, I rise to pay tribute to the Junior Senator from Idaho, Mr. KEMPTHORNE. My wife, Jane, and I got to know DIRK and his wife, Pat, soon after I came to Washington, and they have been good friends. Pat and DIRK are simply wonderful people, whose warmth and civility make the Senate a better place.

DIRK KEMPTHORNE has brought his energy and goodwill with him to the Senate every day, making it a better place in which to work and, I am sure, improving our ability to work together to pass constructive legislation. In addition, he has brought tremendous insight and common sense to the legislative process. I am proud to have worked with him in passing Unfunded Mandates legislation in 1995. This bill, which Senator KEMPTHORNE managed on the floor, is an important step forward for American small business and its passage could not have been secured without his able leadership.

Whether as a key member of the Small Business Committee, as Chairman of the Drinking Water, Fisheries, and Wildlife subcommittee of the Environment and Public Works Committee, or as Chairman of the Personnel Subcommittee of the Armed Services Committee, DIRK has brought strong leadership and reasoned argument to our public policy debates. He was instrumental in initiating the Congressional Commission on Military Training. He laid the groundwork for long overdue reforms to the Endangered Species Act; reforms that will protect our wildlife without unduly tampering with America's traditional commitment to private property rights.

DIRK has decided, in the interests of his family, to leave Washington and return to Idaho. While I am certain all of us here will miss him, he leaves a weighty record of achievement and will continue to serve as a model of Senatorial conduct for years to come. I know the people of Idaho will benefit greatly from his coming service as Governor and wish him, his wife and children, all the best in their return home.

ORGAN TRANSPLANT REGULATIONS

Mr. HATCH. Mr. President, I rise to speak on a patient care issue of enormous importance: regulations being promulgated by the Secretary of Health and Human Services (HHS) with respect to organ transplantation.

I have long championed the need for our country to bring the innovations of medical science to the forefront of patient treatment, be it through pharmaceutical development, gene mapping, or artificial organ development. Nowhere has this been more necessary than in the realm of organ transplantation.

Over 14 years ago, with the passage of the National Organ Transplant Act (NOTA), Congress intervened to advance medical science at a time when our health care system was not keeping pace with the tremendous advances medicine had to offer. As a result, we examined the role of the private sector and the Federal government in organ transplantation to formulate an equitable policy for individuals throughout this country to have access to organ transplantation when appropriate and necessary.

We needed a better system than that which existed at the time, and that is what NOTA established. As the author of the National Organ Transplant Act (NOTA) in 1984, which was cosponsored by our colleagues Sentors NICKLES, THURMOND, GRASSLEY and ROTH, I am proud of our accomplishment, and I continue to maintain a very keen interest in our country establishing and operating a viable, effective organ transplant network.

There is no question that passage of NOTA has allowed us to save thousands of lives. The medical community has been transplanting over 4,000 livers each year. We have seen valuable transplant technology and services spread from only a handful of research institutions to hospitals in rural America.

In my home State of Utah, LDS Hospital has been able to increase its liver transplant volume over 15-fold since its inception only 13 years ago. We have aspired to promote a system which allows medical science to reach the people it was meant to serve, and I believe we are in large part achieving that goal, in great measure due to enactment of NOTA.

Today, I stand before the the Senate to urge that we not precipitously reverse that work by allowing implementation of a new system which could threaten to undermine many of the successful organ transplant centers who are doing so much good in this Nation. Utah's own successful transplant center comes to mind, although centers in several other States such as Alabama, Louisiana, and South Carolina would also be jeopardized if this regulation goes into effect.

While we in America are fortunate to enjoy the best health care in the world, we also have concerns about the availability of life saving care should an organ fail. Advances in medicine have made once rare transplants commonplace. Yet, there is a scarcity of organs, despite the hard work of local organ procurement agencies, transplant centers, and, indeed, developers of artificial technology such as the work being done on artificial hearts at the University of Utah.

Added to this concern about the availability of organs is a growing anxiety about the impact of HHS's proposed transplant allocation rules. A large source of this concern is within the hard-working transplant community. In fact, the Department of Health and Human Services has indicated that more than 85% of the almost 18,000 comments received oppose the organ procurement transplant network final rule.

In particular, we are seeing a rising concern about variations in the availability of organs from region to region. The HHS response, which is to, in effect, nationalize distribution, seems logical at first, but upon further reflection is a flawed policy with potentially devastating near-term effects on many transplant centers. By diverting resources from relatively ''organ-rich'' to relatively ''organ-poor'' regions, the HHS rules penalize communities which have worked to build up successful programs, including those which have done so much to improve the harvesting rates of much-needed organs.

I commend Secretary Shalala for bringing the need to further improve the organ transplant system to the forefront. One positive step is the recent rule requiring all 5,200 U.S. acute care hospitals to notify an organ procurement organization of every death as a condition of Medicare participation. Health Care Financing Administrator Nancy Ann Min-Deparle estimates that this step alone will increase organ donations by up to 20 percent.

While this was a widely supported step, the proposed rules governing the Organ Procurement and Transplant Network have not enjoyed the same enthusiasm.

In January, I joined 41 other Senators who wrote to Secretary Shalaha expressing concern that the proposed final rule could be used as vehicle to turn organ allocation into a political process. Her response did not alleviate my concerns, nor those of the transplant community.

We cannot damage the public trust in the organ network, nor in the decisions

of health professionals who operate the transplant system. While it will never be an easy task to allocate such a critical scarce resource—organs—we cannot let this become nothing more than a turf war between large and small transplant centers.

Large centers play an important role by being at the heart of the innovations which have brought us the technical advances making current liver transplant possible. Smaller centers also make many contributions including making such technology more accessible to Americans. This allows the patient to be closer to family and loved ones during this stressful time.

We must find a way to increase the organs and reduce the perceived inequities in the current system. We need the facts to address the problem.

For this reason, I support the provision, which I understand will be contained in the omnibus appropriations bill, that will place a one-year moratorium on the implementation of the HHS rules. This moratorium will allow us to learn the facts necessary to improve the availability of transplantation.

Mr. President, what we have at stake is not just the amelioration of a flawed organ transplant procurement and allocation system, but the future of allocating scare health care resources of all types. It behooves us to proceed carefully on this matter of utmost concern.

ADDRESS OF PRESIDENT MARY MCALEESE OF IRELAND AT THE KENNEDY LIBRARY

Mr. KENNEDY. Mr. President, last Thursday, Mary McAleese, the President of Ireland, visited Boston and delivered an important address at President Kennedy's Library. In her address, she paid tribute to President Kennedy and to the long-standing ties between Ireland and the United States, and she spoke eloquently of the peace process in Northern Ireland and Ireland, and the people's hopes for lasting peace and a permanent end to the violence.

I believe that President McAleese's remarks will be of interest to all of us who care about these issues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

REMARKS BY THE PRESIDENT OF IRELAND, MARY MCALEESE AT A DINNER HOSTED BY THE KENNEDY LIBRARY FOUNDATION AT THE JOHN F. KENNEDY PRESIDENTIAL LIBRARY BOSTON, MASSACHUSETTS, OCTOBER 15, 1998

Senator and Mrs. KENNEDY, Mayor Menino and Distinguished Guests.

On behalf of Martin and myself, as well as our delegation, I want to thank you for your wonderful welcome and hospitality this evening. I would also like to acknowledge the presence here this evening of representatives of the Irish Times, who will be our co-hosts at the Institute of Politics at Harvard tomorrow.

It is truly a special moment for me to visit this remarkable Library and Museum, to join the members of your family who are here, and to share this occasion with so many friends of Ireland who are present.

Since its foundation the Library has represented the ideals of President Kennedy through a range of research and activities which is truly admirable. I wish to pay tribute to that achievement to you, Senator, to the Library's President Caroline Kennedy Schlossberg, to all of your family, as well as the dedicated Board and Staff who have worked so effectively to achieve this and of course to honour also the memory of Senator Robert Kennedy, particularly this year.

Just two years ago, as a private citizen, I came to visit here. As for thousands of other Irish visitors to Boston, we feel this is instinctively where we want to come. I was profoundly moved. The Library and Museum must surely be the most outstanding living testimony of its kind. For my generation, growing up in the 1960's, we were of course irrevocably shaped and motivated by that extraordinary time. It means a great deal to me, at a personal level, that my first official event in Boston as President of Ireland should be at the Kennedy Library—I can think of nowhere more appropriate.

When we visit here, we are of course sharply reminded of what we lost, butI would prefer to reflect on what we found, on the legacy which we have and the ideals which we must protect. The Kennedy Library is as much about our future as our past.

President Kennedy's Irish roots have never been forgotten. His election in 1960 was, for Irish people everywhere, a source of inspiration and joy. None of us will forget the impact of his visit to Ireland at a time of dramatic change and challenge in our own country. As he said in his address to our Parliament in 1963, ''our two nations, divided by distance, have been united by history.'' Those four days which President Kennedy spent in Ireland were unforgettable for all involved. His impact was total, for young and old alike. The words of Ralph Waldo Emerson, another son of New England, perhaps reflect the mood of that time.

He spoke and words more soft than rain
Brought the age of gold again:
His action won such reverence sweet
As hid all measure of the feet.

I am pleased to think that in just a few months time, next May, the Dunbrody ship from the President's own County Wexford will sail into this harbour, offering a powerful symbol of the Irish emigrant story and reminding us in particular of the arrival of the Kennedy family in the United States. The emigrant story is part of us all—for many of you here in this room who bear Irish names and constantly acknowledge and celebrate your Irish heritage.

One of the great achievements of this Library is the fact that it has established such an important place in the lives of the children of Massachusetts and beyond. Our future is in their hands, as it is also in Northern Ireland.

When Mrs. Hillary Clinton visited Northern Ireland last month, she addressed the Vital Voices Conference. She observed then that in Belfast today, a playground is being built with the advice of children on both sides of the community. They will be, literally, architects of their own environment. Since the Good Friday agreement reached last April, and the subsequent elections held in Northern Ireland this summer, all the people living in Northern Ireland have the chance to design and shape their own future. I know that all of you here shared the great joy of that time.

The day of the Agreement, however Senator George Mitchell, who did so much to bring the Agreement about, noted that this would not yet put an end to violence and unfortunately this proved to be true. However, despite the awful event in Omagh and other recent tragedies, the Agreement does represent the best opportunity yet for a new beginning, for new structures, for real democracy and equality and for lasting peace. The referendums of this summer have put beyond all doubt that the Agreement is the democratic mandate of the people to their political leaders. A great deal of progress has been made already in forging new partnerships at political, economic and social levels. Difficult work and challenges lie ahead in all of these areas, but, with your help, we are now firmly established on the road to a peaceful future.

Tomorrow morning, I look forward to paying tribute to an important and tragic part of that heritage when I visit the Famine Memorial in Boston with Mayor Menino and Tom Flatley. That Memorial, on your Freedom Trail, is a sombre and important reminder of the devastation of that time and of Boston's central place in that story.

But we know too that the story of the Irish in Massachusetts in this century is one of overcoming adversity, endeavour, courage and success. Few of us would have dared to dream of how far that success could eventually reach, in 1998, in terms of political achievement and economic prosperity. The United States, President Clinton, and outstanding leaders such as Senator Kennedy, have played a central role in both.

To Jean, I want to offer our gratitude, affection, and highest respect. Jean, to borrow the Senator's phrase, came back in the springtime. She not only made thousands of friends in Ireland, she became a pivotal figure in our quest for peace. We will miss her very much. She leaves, however, with the satisfaction of knowing that her legacy will remain and that her good work will continue at the American Embassy in Dublin.

The tour which we have just enjoyed serves as a powerful reminder both of President Kennedy's life and work but also of the challenges which face us all and particularly those dedicated to public service. This institution reminds us of the challenges of public service and of the obligation which we all share to improve the lives of all, while cherishing the ideals of equality, justice and mutual tolerance. The values inherent in good public service are eloquently represented in this Library. We all need to reinforce those principles constantly in our lives and above all through political leadership.

I want to particularly acknowledge the exceptional support from Massachusetts and the city of Boston for their sustained efforts over the years to promote economic development in Northern Ireland. Many of you will be familiar with the tireless work of John Hume, the SDLP leader, with Boston-Derry Ventures to bring much needed jobs to the Derry area. Northern Ireland today continues to rely on your economic assistance. In that regard, I too would like to pay tribute to the generosity and leadership shown by figures such as John Cullinane, present here tonight—and the ''Friends of Belfast'' who are supporting the economic regeneration there, which is so necessary to underpin the Agreement and the peace process. Indeed, I know that here in the Kennedy Library on Tuesday there was a major event to promote economic investment in Northern Ireland.

I would also like to acknowledge the tremendous support that John Cullinane is giving to the creation of a National Military

Museum at the National Museum of Ireland—which will recognise the enormous contribution of Irish nationals serving in many armies and in many countries over the past 250 years—including those who served with distinction in the Armed Forces of the United States—and of course the two hundred thousand from all parts of Ireland, who were proud to serve in the British Army during the First World War—so many of whom paid the ultimate price.

The hopes and ideals which we all share for Northern Ireland are represented and cherished under this roof each and every day. As I conclude, I can do no better than to quote from the Library's own words, that in leaving here, we come away with new insights—we are all inspired by President Kennedys vision that one person can make a difference and that every person should try.

MILITARY READINESS AND THE DEFENSE BUDGET

Mr. THURMOND. Mr. President, over the past several weeks, the Senate Armed Services Committee held a series of hearings to review the status of our armed forces. I scheduled these hearings because I have been concerned for some time that the Administration's defense budget was inadequate to maintain readiness and because members and staff were bringing back anecdotal information indicating the readiness of our armed forces was declining.

On September 29, the committee heard from General Shelton, the Chairman of the Joint Chiefs of Staff, and other members of the Joint Chiefs, General Reimer, Admiral Johnson, General Ryan, and General Krulak. The hearing has been described by the media as adversarial, however, I would describe it as open, candid and productive. It was not surprising that the Chiefs acknowledged the U.S. military is falling into a readiness crisis and faces the danger of becoming a ''hollow'' force if appropriate measures are not taken. They specifically indicated the need for additional resources now and in the out years. Most illustrative of the testimony is the following quote by General Shelton:

I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long-term health of the Total Force is in jeopardy.

Mr. President, on October 6, the committee followed up the hearing with the Joint Chiefs of Staff, with a hearing at which Secretary of Defense Cohen and General Shelton testified. Although the focus of the hearing was to be primarily on world trouble spots, the readiness status of our forces also became a subject of intense debate. Secretary Cohen reiterated the concerns of the service chiefs and indicated that he would seek additional funds in the fiscal year 2000 budget.

Mr. President, the indicators that most concerned the service chiefs and brought them to the realization that readiness was clearly declining included downturns in recruiting and retention, a shortfall in unit training, and widespread equipment breakdowns and spare parts shortages. These are basic indicators whose impact is felt throughout the ranks, in units throughout all the services and affect operations, training, morale and esprit de corps.

Mr. President, when pressed to explain the reasons for the decline in readiness, Secretary Cohen and the Joint Chiefs of Staff attributed the cause primarily to the high operational tempo and the under funding of the defense budgets. General Reimer encapsulated the problem in this way during the September 29 hearing:

Soldiers are asking, ''When is it going to stop? When will the downsizing end? When will our leaders stop asking us to do more with less?'' Our soldiers are smart, hard working, and dedicated. They are also very tired.

For many of us, the acknowledged shortfall in defense spending is not a surprise. Last year, during the Senate debate on the budget resolution, I expressed my concerns that funding levels for defense considered in the budget agreement would not provide sufficient funds to adequately sustain over time the personnel, quality of life, readiness and modernization programs critical to our military services. Regretfully, my concerns have become a reality sooner than expected and we must now take measures to resolve these problems and reverse the decline in the readiness of our military services.

Mr. President, as long as the administration continues to pursue a foreign policy that requires the U.S. military to be a global police force, our troops will be challenged by an operational tempo higher than that of the cold war. If the administration persists in this endeavor, we must ensure that our armed forces have the funds to carry out these operations while maintaining a force structure that withstands the impact of the high operational and personnel tempos associated with our current aggressive foreign policy.

More importantly, we have the responsibility to correct those quality of life and modernization shortfalls identified during our hearings. General Shelton recommended the following:

My recommendation is to apply additional funding to two very real, very pressing concerns. First, we need to fix the so-called REDUX retirement system and return the bulk of our force to the program that covers our more senior members—that is, a retirement program that provides 50 percent of average base pay upon completion of twenty years of service. Second, we must begin to close the substantial gap between what we pay our men and women in uniform and what their civilian counterparts with similar skills, training, and education are earning.

General Reimer described the modernization problem as follows:

In order to preserve future readiness, we must begin today to increase our modernization accounts and to develop the equipment, force structures, professional development systems, training, and doctrine we will need to prepare for the future. And we must develop all these capabilities together.

Mr. President, during the October 29 hearing, Secretary Cohen assured us that he would address these problems in the fiscal year 2000 budget request. In my judgement, it would require a substantial increase in the defense budget to alleviate the problems recently acknowledged by the Joint Chiefs of Staff. During the hearings, the service chiefs testified they needed approximately $17.5 billion additional annually to correct the near and long term readiness problems. This amount does not include a pay increase nor does it include the funding necessary to change the retirement program.

With respect to the retirement issue, the Armed Services Committee will consider carefully the recommendations of the Secretary of Defense in his fiscal year 2000 budget request and will address this issue in the Defense authorization bill. Senator LEVIN and I wrote the Secretary of Defense on October 8 indicating that we believe he should conduct appropriate analyses to determine the greatest readiness payoff among the measures under consideration to improve recruiting and retention, including pay, retirement, housing, health care, personnel tempo, and morale and recreation programs and facilities. These analyses will be crucial to making the difficult funding decisions we will face next year. I ask unanimous consent that our letter of October 8 be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. THURMOND. Mr. President, the Joint Chiefs described alarming indicators of declining readiness. I strongly believe that if there is an actual emergency that should be addressed in this omnibus supplemental bill, it should be military readiness. The Joint Chiefs testified that while the $1 billion readiness supplemental requested by the Department of Defense would be helpful, it is inadequate to maintain the readiness of our military forces. I believe that, as the highest priority, the Congress should have provided an emergency supplemental for military readiness of at least $2 billion. Mr. President, while I appreciate and commend the Chairman of the Appropriations Committee and the majority leader for negotiating this agreement under difficult circumstances, I regret that the final agreement provides only half that amount which I believe is required now to shore up our military readiness.

Mr. President, next year, we are going to have to face up to the serious fiscal problems our military services are experiencing in addition to already existing outlay problems. The Secretary of Defense is conferring now with the Office of Management and Budget to determine how additional funds can be provided for defense next year and in the out years. I do not believe the administration will request

the additional $20 billion or so which the Joint Chiefs indicated will be required annually over the next 5 years to address personnel, readiness, and modernization deficiencies.

The Congress will have to come to grips with these funding realities or consider significantly scaling back our worldwide commitments. We cannot continue to have it both ways. It is unfair to our men and women in uniform and cannot be sustained over time.

Mr. President, our hearings have substantiated the readiness and funding problem facing our armed forces. The solution to these problems will require the close cooperation between the Congress and the administration. It will require the Congress to relook the balanced budget agreement and will require challenging decisions by all parties. We have no choice but to make careful and deliberate decisions. The future of our Nation and the lives of our soldiers, sailors, airmen, and marines depend on it.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 8, 1998.

Hon. WILLIAM S. COHEN,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: In light of your recent testimony and the testimony of the Joint Chiefs of Staff before the Committee, it is obvious that maintaining the delicate balance among the key components of personnel and quality of life, readiness and modernization in the FY2000–2005 Future Years Defense Plan will be difficult. The current discussions of ''catch-up'' pay raises, returning to a richer military retirement system, funding modernization programs, providing adequate training funds and controlling high personnel and operational tempos make your task of setting priorities a significant challenge.

As you develop the defense budget request for fiscal year 2000, it is imperative that the Department thoroughly analyze any proposals to address the pay gap or return to the pre-August 1986 military retirement system. We are totally committed, as we are sure you are, to taking care of our military personnel and their families. However, before enacting any proposals in this area with significant long-term costs, the Department of Defense and the Congress must have a clear view of the likely impact of the proposals on recruiting, retention, and military readiness.

During our hearing on October 6, 1998, you testified that you would address the issues of military pay and retirement in your fiscal year 2000 budget. As you and the Chiefs testified, there are a number of programs that combine to make up Quality of Life for our military personnel and their families, including pay, retirement, housing, health care, personnel tempo and morale and recreation programs and facilities. We believe that recommendations included in your budget request for the areas indicated above must be fully supported by careful analyses justifying the costs and providing assurance of measurable increases in recruiting, retention and military readiness.

We look forward to reviewing your recommendations in the FY 2000 budget request.

Sincerely,

CARL LEVIN,
Ranking Member.
STROM THURMOND,
Chairman.

NEWMAN POSTAL SITUATION

Mr. COVERDELL. Mr. President, it is with great concern that I rise to address a recurring problem in my state with the United States Postal Service. It seems that we are continually faced with situations where the Postal Service has created controversy by indicating—in some cases—that they will move existing post offices from downtown areas. In Georgia, as in many states, these post offices have been main street fixtures for residents, creating a meeting place for shoppers, business people and officials. The idea of moving these post offices is particularly worrisome for rural areas where local merchants have long relied upon this common bond. It is a problem that Congress should examine in order to work with the Postal Service to promote a better understanding and working relationship with the affected communities.

We currently have a particular case in Newnan, Georgia which illustrates the problem. After receiving word from the community that the post office was moving out of the downtown area, we began contact with the Postal Service to determine whether or not these rumors were true. We gained assurances from the Postal Service that they did not intend to move from the downtown area because there was ''overwhelming community support'' for keeping it there. Since that time, we have received another report from the Postal Service that, because of security requirements, they indeed may have to move to an alternate location. I am concerned by the lack of clarity in the reports my office has received on this matter and am working to get a clarification from the Postal Service. I would like to reiterate for the record my commitment to maintaining a full service postal facility in downtown Newnan. I would welcome the opportunity to work with local officials and businesses in Newnan and the Postal Service to meet this goal.

As I mentioned, Mr. President, this matter in Newnan is a reflection of the work we have ahead to avoid these controversies between smaller communities and the post office. It is a problem I hope we rectify favorably for the citizens of Newnan in this case, and for people all over America in the future.

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Montana, seeing no other Senators desiring to speak, asks unanimous consent that the Senate stand in recess until 1:30 p.m. this afternoon.

There being no objection, at 10:24 a.m., the Senate recessed until 1:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

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

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be 3 hours equally divided for debate today on the conference report to accompany H.R. 4328, the omnibus appropriations bill for 1999, notwithstanding the receipt of the papers, and that when the Senate receives the conference report, it be considered as having been read with no action other than debate occurring and the vote to occur at 9 a.m. on Wednesday, without any intervening action, debate or motion, and that paragraph 4 of rule XII and all points of order be waived.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that 15 minutes of the time under my control as manager of the bill on our side be under the control of Senator GREGG, and that following the vote Senator SPECTER be recognized for up to 15 minutes for general debate, to be followed by Senator ASHCROFT for 30 minutes of general debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, it is with some regret that it is my job to bring before the Senate the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999. Throughout the year, I have urged that we find a way to move on the individual appropriations bills so that we would avoid a repetition of what took place 2 years ago. Unfortunately, that request was not followed, despite the urging of the distinguished majority leader and minority leader to work with the Appropriations Committee.

We were unable to finish the bills within the normal timeframe this year.

We had an extremely difficult calendar because of the fact that Labor Day—the first Monday was the 7th of September. We then had the Jewish holidays which we were in recess for. We were just unable to finish in time. We had to get first one and then another and then another and now another continuing resolution in order to try and finish our work. I deeply regret the process that we are going through now.

It is my task to present to the Senate, I think, the largest appropriations bill in a decade. Mr. President, it contains a grand total of $486.8 billion in

appropriations. The regular appropriations bills are a total of $203 billion; the balance are in the supplemental and emergency appropriations.

It has been a very difficult process to go through. We have had a series of meetings with representatives of the President and with our leaders. I thank the distinguished chairman of the House committee, Congressman LIVINGSTON, and his colleague, the ranking member there, Congressman OBEY, as well as my colleague and great friend here in the Senate, the Senator from West Virginia, Senator BYRD.

We have worked many long hours now. And I really think our staffs deserve a great deal of credit, because we worked a lot of long hours, but they worked through the night after we had worked long hours and were there again the next morning when we started our negotiations once again.

These negotiations have gone on now almost 3 weeks, and the product is the bill that was filed in the House last night. That bill, Mr. President, contains 11 divisions.

Division A contains 8 of the 13 annual appropriations bills for the fiscal year 1999; for the Departments of Agriculture, Commerce-Justice-State, the District of Columbia, Foreign Operations, Interior, Labor, Health and Human Services-Education, Transportation, and Treasury-General Government.

This division also contains the emergency agricultural assistance package and supplemental appropriations under Energy and Water Development and VA–HUD. It also contains the spending offsets that were presented to us by the administration.

I might state that those were checked out by our Budget Committees and by the Congressional Budget Office. We believe that we are under the caps as were set by the budget agreement with the President.

The division B contains emergency appropriations for military readiness and overseas contingency operations, storm damage to defense facilities, antiterrorism, the year 2000 conversions—the so-called Y2K problem—and counterdrug activities.

Divisions C through K are various authorizing measures that were added to the bill. I hasten to point out that while many of them come from authorization committees, it is the Appropriations Committees that must put our names on these bills as they are presented to the House and Senate. We have done our very best to check through these bills. And I might state that our staffs have read them through not just once but twice to make certain that each one of them is as it was represented to us as these measures were brought to us.

Division C is in fact a potpourri of measures, including the FAA reauthorization extension, post office namings, the Olympic and Amateur Sports Act amendments, Internet legislation, the American Fisheries Act, Persian Gulf veterans health, and others.

Division D is the Drug Demand Reduction Act.

Division E covers methamphetamine trafficking. It is another drug bill.

Division F covers the marijuana for medical purposes.

Division G is the State Department reauthorization bill.

Division H is the new provisions concerning Sallie Mae.

Division I covers the chemical weapons convention.

Division J covers tax extenders and home health care provisions.

Division K contains pay-as-you-go provisions to maintain the separation of mandatory and discretionary spending as outlined in last year's balanced budget agreement.

Let me just take a few minutes of the Senate, Mr. President, to provide some highlights of the bill under the Appropriations Committee's jurisdiction; that is divisions A and B.

The total discretionary spending in division A is $206 billion. This includes $2.8 billion in offsets.

The agriculture portion of the conference includes the conference report on the agricultural appropriations bill that was vetoed by the President with some modifications. It contains an additional $1.64 billion in emergency crop and market loss assistance for farmers and ranchers. This brings the total agricultural emergency assistance funding for this year to $5.9 billion.

There are also increases for food safety and rural empowerment zones and enterprise communities. The Commerce-State-Justice portion of this bill contains funding through June 15. It supports crime fighting and antidrug activities, counterterrorism, and border patrols.

The Census Bureau will receive the funding it needs to continue to prepare for the decennial census. The National Oceanic and Atmospheric Administration, National Weather Service, and Science programs are, in my judgment, adequately funded. The State Department would receive funds for international programs and U.N. arrearages subject to authorization.

The District of Columbia provisions would largely ratify the District's own consensus budget and continue ongoing management reforms.

The Foreign Operations portion contains funding for export promotion and economic aid, as well as the funding for the International Monetary Fund, IMF, with conditions for reform. I might say, I am personally very gratified that this is finally being sent to the President for approval.

The Department of the Interior would receive increases for park operations and much-needed maintenance, funding for the Everglades restoration effort, and other public land needs. Full funding for many cultural and historical preservation programs are also included in that portion of the bill.

The Labor, Health and Human Services, and Education bill provides funds for worker assistance, increases funding for medical research at the National Institutes of Health by $2 billion, and fully funds the Low Income Home Energy Assistance Program, LIHEAP. Increases were provided for child care block grants, special education, and to reduce class size.

The Transportation portion of the bill contains the highest limitation in history on obligations in the highway trust fund—$4 billion above last year's level. Adequate funds for the Coast Guard and the Federal Aviation Administration and our mass transportation programs are included.

The Treasury-General Government portion contains funding to increase drug control programs and improve IRS customer relations.

Two bills already passed by the Congress and signed by the President were, in fact, reopened by the final negotiations and additional materials are available for those bills.

Division A contains additional appropriations under Energy and Water Development, including funds for the Tennessee Valley Authority, and authorization to refinance its debts, and funds for the Department of Energy's energy supply programs.

The VA-HUD bill is also augmented by additional spending for urban empowerment zones, the Boston Harbor cleanup, climate change, and the Corporation for National and Community Service.

As I said, division B contains the emergency supplemental spending in the omnibus bill, with the exception of agriculture assistance, which is in division A.

The total discretionary spending in division B is $14.9 billion. It includes $6.8 billion to improve military readiness and to fund ongoing overseas contingency operations such as Bosnia.

Mr. President, $2.4 billion is included to protect our embassies around the world and to fund our continuing fight against terrorism worldwide. And $3.4 billion is provided to address the Y2K problem—the year 2000 problem—throughout the Federal Government as a whole. This is provided in emergency appropriations subject to the President's approval.

Mr. President, $700 million is included for a package of counterdrug activities. Another $1.5 billion is provided to address the damage caused by Hurricane Georges and Hurricane Bonnie.

Mr. President, as I indicated, this is a very complicated bill.

Mr. President, I want to take a moment to talk about two of the provisions that are in the bill that are legislative items. They were bills that I presented to the Senate. One is the American Fisheries Act. It is a culmination of the negotiations that were undertaken with my colleagues from the State of Washington after I had introduced Senate bill 1221.

We reached the agreement to include this American Fisheries Act in the legislation that is being considered. It is title II of division C of the bill. This

act will not only complete the process begun in 1976 to give the U.S. interests a priority in the harvest of U.S. fishery resources, but will also significantly decapitalized the Bering Sea pollock fishery.

The 1976 act was, in fact, the Magnuson Act, that extended our jurisdiction to the 200-mile limit. The Bering Sea pollock fishery is the largest, and its present state of overcapacity is the result of mistakes in, and misinterpretations of, the 1987 Commercial Fishing Industry Vessel Anti-Reflagging Act, which is generally known as the Anti-Reflagging Act.

In 1986, as the last of the foreign-flag fishing vessels in the U.S. fleet were being replaced by U.S.-flag vessels, we discovered that Federal law did not prevent U.S.-flag vessels from being entirely owned by foreign interests. We also discovered that Federal law did not require U.S. fishing vessels to carry U.S. crew members, and that U.S. fishing vessels could essentially be built in foreign shipyards under the existing regulatory definition of the word ''rebuild.''

The goals of the 1987 Anti-Reflagging Act were to, one, require the U.S. control of fishing vessels that fly the U.S. flag; two, stop the foreign construction of the U.S.-flag vessels under the ''rebuild'' loophole; and, three, to require the U.S.-flag fishing vessels to carry U.S. crews. Of these three goals, only the U.S. crew requirement was achieved by the 1987 act.

The Anti-Reflagging Act did not stop foreign interests from owning and controlling U.S.-flag fishing vessels. About 30,000 of the 33,000 existing U.S.-flag fishing vessels are not subject to any U.S. controlling interest requirement.

The Anti-Reflagging Act also failed to stop the massive foreign rebuilding programs between 1987 and 1990 that brought almost 20 of the largest fishing vessels ever built in the world into our fisheries as ''rebuilt'' vessels.

Today, half of the Nation's largest fishery—which is the Bering Sea pollock—continues to be harvested by foreign interests on foreign-built vessels that are not subject to any U.S.-controlling interest standard.

On September 25, 1997, I introduced the American Fisheries Act, S. 1221, to try to fix these mistakes. Senators from almost every fishing region of the country joined me in supporting that effort, including Senators BREAUX, HOLLINGS, GREGG, WYDEN and MURKOWSKI.

As introduced, the bill had three primary objectives: requiring the owners of all U.S.-flag fishing vessels to comply with a 75-percent U.S.-controlling interest standard, similar to the standard for other commercial U.S.-flag vessels that operate in U.S. waters; two, to remove from U.S. fisheries at least one-half of the foreign-built factory trawlers that entered the fisheries through the Anti-Reflagging Act foreign rebuild grandfather loophole and that continued to be foreign-owned as of September 25, 1997; and, third, to prohibit the entry of any new fishing vessels above 165 feet, 750 tons, or with engines producing greater than 3,000 horsepower in the North Pacific fisheries fleet.

I am pleased to report that the package we are submitting to the Senate today accomplishes all three of these main objectives of S. 1221 as introduced. I thank Senator GORTON and his colleague from Washington, Senator MURRAY, for their efforts, particularly Senator GORTON for his tremendous effort in finally reaching an agreement on this bill. For almost a decade now, he and I have had various disagreements on the Bering Sea pollock fishery and issues related to the Anti-Flagging Act.

At the Commerce Committee hearing in March of this year, and later at an Appropriations Committee markup in July, Senator GORTON plainly expressed his concerns with my bill, S. 1221. In August, he spent considerable time with representatives from the Bering Sea pollock fishery and by sheer will managed to develop a framework upon which we could agree. After he presented the framework to me, we convened meetings of fishery representatives in September that literally went around the clock for 5 days. Those meetings included Bering Sea pollock fishery industry representatives, industry representatives from other North Pacific fisheries, the State of Alaska, North Pacific council members, National Marine Fisheries, the Coast Guard, the Maritime Administration, environmental representatives and staff for various Members of Congress and the Senate and House committees that have jurisdiction over this.

At the end of those meetings, a consensus had been achieved among Bering Sea fishing representatives on an agreement to reduce capacity in the Bering Sea pollock fishery. For the next 3 weeks, we drafted legislation. We have spent considerable time with the fishing industry from other fisheries that were concerned about the possible impacts of the changes in the Bering Sea pollock fishery upon their areas in offshore fisheries.

The legislation we are passing today includes many safeguards for those other fisheries and for the participants in those fisheries. By delaying implementation of some of the measures until January 1, 2000, it also provides the North Pacific Council and the Secretary of Commerce with sufficient time to develop safeguards for those other fisheries.

This legislation is unprecedented in the 23 years since the enactment of what is now known as the Magnuson-Stevens Act. With the council system, congressional action of this type is not needed in Federal fisheries anymore. However, the mistakes in the Anti-Reflagging Act and the way it was interpreted created unique problems in the Bering Sea pollock fishery that only Congress can fix. The North Pacific Council does not have the authority to turn back the clock by removing fishery endorsements, to provide the funds required under the Federal Credit Reform Act to allow for the $75 million loan to remove the overcapacity in the area, and to strengthen the U.S.-control requirements for fishing vessels, to restrict Federal loans on large fishing vessels, and to do many other things we have agreed to do in this legislation.

While S. 1221 as introduced was more modest in scope, I believe the measures in this agreement are fully justified as a one-time corrective measure for the negative effects of the Anti-Reflagging Act that I have mentioned before.

There is also in this bill the Olympic and Amateur Sports Act Amendments of 1998. This legislation includes that bill, a bill that Senator CAMPBELL joined me in cosponsoring to update the Federal charter for the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. This framework is known as the Amateur Sports Act because most of its provisions were added by the Amateur Sports Act of 1978.

The act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide reappropriations—therefore, it does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since its comprehensive revision in 1978 which provided the foundation for the modern Olympic movement in the United States. The bill we are considering does not fundamentally change that act. Our review showed us it is fundamentally sound.

We believe the modest changes that we ask the Senate and the Congress to make will ensure that the act serves the United States well into the 21st century. The significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant what I call fine-tuning of this act.

Some of the developments of the past 20 years include, first, that the schedule for the Olympics and Winter Olympics has been alternated so games are held every 2 years instead of every 4—significantly increasing the workload of the U.S. Olympic Committee; second, that sports have begun to allow professional athletes to compete in some Olympic events; third, that even sports still considered ''amateur'' have athletes who with greater financial opportunities and professional responsibilities now compete more than we ever considered in 1978; four, that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994.

The Commerce Committee has held three hearings since then.

At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain.

We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998, in the Commerce Committee hearing room.

The bill that Senator CAMPBELL and I introduced in May reflected the comments received in January, and excluded proposals for which consensus appeared unachievable.

With the help of the U.S. Olympic Committee, the Athletes Advisory Council, the National Governing Bodies' Council, numerous disabled sports organizations, and many others, we continued to fine tune the bill until it was approved by the Commerce Committee in July.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components:: (1) The bill would change the title of the underlying law to the ''Olympic and Amateur Sports Act'' to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act; (2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete; (3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC; (4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes; (5) it would improve the notification requirements when an NGB has been put on probation or is being challenged; (6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and (7) it would require the USOC to report back to Congress in 5 years with any additional changes that maybe needed to the act.

Mr. President, I am the only Senator from President Ford's Commission on Amateur Sports who is still serving.

It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. He is a good friend.

Over my objection, he attempted to have this package named after me—an honor that I have declined.

There are many others who deserve recognition for their work to bring about the 1978 Act, and that continues to be the case. Specifically, I refer to my friend from Colorado, who has done a tremendous amount of work on this.

I ask unanimous consent that my summary of the bill be printed in the RECORD.

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

THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

(1) Incorporates Paralympics into Amateur Sports Act; clearly reflects equal status between able-bodied and disabled athletes; continues original focus of Act to integrate disabled sports with able-bodied National Governing Bodies (NGB's), but allows USOC to recognize paralympic sports organizations if integration does not serve best interest or if NGB objects to integration; officially recognizes U.S. Olympic Committee (USOC) as the national Paralympic committee.

(2) Allows USOC to remove certain lawsuits against it to federal court.

(3) Statutorily requires the creation of an Athletes' Advisory Council and National Governing Bodies' Council to advise the USOC.

(4) Adds requirement that USOC Board be 20 percent active athletes (USOC already does this, but original Act only required 20 percent on NGB Boards).

(5) Gives USOC trademark protection for the Pan-American Games, Paralympics, and symbols associated with each.

(6) Requires USOC to keep agent for service of process only in CO, rather than all 50 States.

(7) Requires USOC to report to Congress only once every four years, instead of annually.

(8) Requires the USOC report to Congress to include data on the participation of women, disabled individuals, and minorities.

(9) Protects the USOC against court injunction in selecting athletes to serve on the Olympic, Paralympic, or Pan-American teams within 21 days of those games if the USOC's constitution and bylaws cannot provide a resolution before the games are to begin.

(10) Requires USOC to hire an ombudsman for athletes nominated by the Athletes' Advisory Council to provide advice to athletes about the Act, relevant constitution and bylaws of the USOC and NGBs, rules of international sports federations and IOC/IPC, and to assist in mediating certain disputes involving the opportunity to an amateur athlete to compete.

(11) Allows USOC/NGBs not to send to the Olympics, Pan-American Games, or Paralympics athletes who have not met the eligibility criteria of the USOC and appropriate NGB, even if not sending those athletes will result in an incomplete team.

(12) Requires improved notification and hearing requirements by USOC when an NGB is being challenged to be replaced or put on probation.

(13) Clarifies that NGBs must agree to submit to binding arbitration at request of athletes under the Commercial Rules of the American Arbitration Association (as in existing USOC constitution and bylaws), but gives USOC authority to alter the rules with the concurrence of the Athletes' Advisory Council and National Governing Bodies Council, or by a ⅔'s vote of the USOC Board of Directors.

(14) Allows NGBs to establish criteria on a sport-by-sport basis for the ''active athletes'' that must comprise at least 20 percent of their boards of directors and such other governing boards; the USOC, AAC, and NGB Council would set guidelines, but an NGB would have authority to seek exceptions to the guidelines from the USOC.

(15) Requires NGBs to disseminate and distribute to athletes, coaches, trainers, etc., all applicable rules and any changes of the NGB, USOC, international sports federation, IOC, International Paralympic Committee and Pan-American Sports Organization.

(16) Requires special report to Congress at end of five years on implementation of the provisions and any additional changes USOC thinks needed to Act.

Mr. STEVENS. Mr. President, let me mention one final section in the bill. We have had a lot of contention in conferences over the small fishing village of King Cove, which lies at the tip of the Alaskan peninsula, 625 miles southwest of Anchorage. It is exposed to the Pacific Ocean and the Bering Sea, and this community is often ravaged by 80-mile-per-hour winds, or more, and by driving sea winds. This extreme weather often shuts down access into or out of King Cove for days at a time.

In an effort to improve King Cove's access to emergency medical facilities, I added language to the Interior appropriations bill that would grant a right-of-way from King Cove to the giant airport at Cold Bay. Mr. President, that road would have gone through a portion of the old army military base that is now known as Izembek Wildlife Refuge. This 30-mile road would have provided the cheapest and most reliable means of access to my constituents who live at King Cove.

However, the administration raised environmental considerations regarding the wildlife refuge and refused to accept the provision that would authorize the road.

After much discussion on a series of options being offered to us by the administration, we have crafted a compromise that provides for the health and safety of the Alaskan Native people of King Cove and still protects the refuge, as it was indicated that the administration believed that was its highest priority.

This provision now provides King Cove Natives with the money to build a road from King Cove to a small lagoon some 20 miles away. There they will build a dock and use a small vessel to cross over the lagoon to property that they own adjacent to the runway at Cold Bay. The provision also provides funding to improve the airstrip at King Cove and for improvements to the health clinic at King Cove; namely, to put in state-of-the-art medical facilities and telemedicine capability there to protect our people until these transportation facilities are constructed.

Mr. President, I will have other comments to make about this bill later. I have taken too long already.

Mr. BYRD. Mr. President, we are about to take up the conference report on the so-called omnibus appropriation measure, which contains funding for Fiscal Year 1999 for the departments and agencies under the jurisdiction of eight Appropriations Subcommittees: Agriculture, Commerce/Justice/State/The Judiciary, the District of Columbia, Foreign Operations, Interior, Labor/Health and Human Services and Education, Transportation, and Treasury and General Government. In addition, this omnibus package contains

some $20 billion, which has been designated as an emergency, in a supplemental package for such things as: agriculture disaster assistance—$6 billion; defense, including military readiness, $6.8 billion; hardening of embassies and other security matters—$2 billion; Y2K—$3.25 billion, of which $1.1 billion is for the Department of Defense; war on drugs—$690 million; and various disaster assistance programs, such as FEMA, Community Development Block Grants, and other programs which aid those who have suffered from natural disasters in the past months, such as Hurricane Georges—$1.4 billion. Also included are a substantial number of legislative riders that have been recommended by various members of the House and Senate and have been approved by not only the Appropriations Committees but also the joint leadership and the administration. As if that were not enough, this conference report also includes a $9.2 billion tax package.

This omnibus conference report is massive. It numbers thousands of pages. I haven't seen it yet, but that is what I am told. It provides funding totaling nearly $500 billion, or close to one-third of the entire Federal budget. If you don't think that is a lot of money—$500 billion—that is $500 for every minute since Jesus Christ was born. Let me say that again. That $500 billion is $500 for every 60 seconds since Jesus Christ was born. It is virtually beyond comprehension when we talk about funding of that size. Webster's Dictionary does not contain words enough to allow me to appropriately express my disappointment and my regret that we have reached the point we have, to present this colossal monstrosity to the United States Senate.

All too often in recent years, we have faced similar situations where Congress has failed to enact its 13 separate annual appropriation bills in a timely manner and, in many cases, we have failed to enact them at all, except in an omnibus package. Just 2 years ago, under the chairmanship in the Senate of the distinguished Senator from Oregon, Mr. Hatfield, the Senate was placed in a similar position. It wasn't Mr. Hatfield's fault, but the Senate was placed in a similar position of having to vote on an omnibus appropriation bill that contained six of the annual appropriation bills in one conference report.

Then, as today, Members were asked to vote on those appropriation bills in their entirety, plus hundreds of other provisions, sight unseen, a pig in a poke, without satisfactory opportunities to understand those provisions and virtually without opportunity to amend the omnibus bill.

In 1996, I joined Chairman Hatfield and our present chairman, Senator STEVENS, in expressing my regret that the Senate was put into that difficult position. Senator STEVENS indicated that he hoped the Senate would never have to appropriate by way of an omnibus bill again. Last year, Chairman STEVENS and his counterpart, the distinguished chairman of the House Appropriations Committee, Representative LIVINGSTON, with the support of the ranking members on each of the subcommittees, were able to complete action on all 13 appropriation bills without the need for omnibus legislation. That was last year, and that is the way the process ought to work every year.

It is very, very costly to the U.S. taxpayers to have to govern through a series of continuing resolutions. Departments and agencies have to curtail their operations and alter their plans in many cases because they are not certain as to what their appropriation will be for the full fiscal year. We have now had five continuing resolutions in relation to the fiscal year 1999 appropriation bills. Five continuing resolutions!

As Members are aware, we have only enacted into law three fiscal year 1999 regular appropriation bills—defense, military construction and energy and water. Furthermore, the Senate never took up the District of Columbia, or the Labor-HHS appropriation bills, and although it was taken up on the Senate floor, action was never completed on the Interior appropriation bill. Yet, here we are today faced with having to vote not only on those three appropriations bills, but also on five more in this conference report, plus many authorization measures and a tax bill.

The process that has brought us to this point is deplorable. It is manifestly preposterous in that no Member of the House or Senate could possibly know, much less understand, all of the provisions that are contained in this conference report. It is absolutely inexcusable. It ranks, as far as the legislative lexicon is concerned, with the unpardonable sin in the spiritual realm—the unpardonable sin. It is absolutely unpardonable for Members of the Senate and the House to put themselves into this kind of situation. It should be difficult for every one of us to face the voters of this country. If the voters really understood what we are doing here, they would probably feel like voting us all out of office. Thank God, only one-third of the Senators have to go before the voters each 2 years. By failing to enact our regular appropriation bills on time, we have brought this situation upon ourselves. There is nobody here but us; there is nobody to blame but us. We are to blame for this. We brought this situation on ourselves.

Senators are being asked to vote on this massive piece of legislation that provides funding of nearly one-half trillion dollars—approximately one-third of the entire Federal budget—without an adequate opportunity to consider it or amend it. Senators cannot amend this conference report—in spite of the Constitution, which says, with reference to revenue-raising bills, that they shall originate in the House of Representatives, but that the Senate may propose amendments to revenue-raising bills, as on all other measures, as on all other legislation. The Constitution didn't foresee this kind of a monstrosity—eight appropriations bills wrapped into one conference report, one tax bill, and a supplemental appropriation bill—right? Right. Eight. What a monstrosity, what a gargantuan monstrosity!

Do I know what is in the measure? Are we kidding? No. I don't know what is in this measure. I know a few things that are in it, but only God knows everything that is in this monstrosity. Only God knows what is in this conference report. And very few people, relatively speaking, are on speaking terms with Him.

Nobody in this Government—not one person in this Government—understands every jot and tittle that are in this measure; not one.

We have no opportunity to amend it. In other words, the representatives of the people are being denied by the rules the opportunity to offer an amendment on behalf of one's constituencies. No Senator can offer any amendments to this conference report. And, yet, we have seen in the last several days daily press conferences where both sides—both sides, out in the Rose Garden they appeared, and out here somewhere near the Capitol—both sides were patting themselves on the backs, patting each other on the backs, and congratulating themselves and each other. For what? For finally putting together a massive gargantuan monstrosity referred to as ''the conference report'' containing the bills that we should have passed long months ago.

We put off acting on these bills for months, and then, finally, when we get beyond the beginning of the new fiscal year, we finally bring in a massive piece of legislation. We don't know what is in it. Nobody in here knows everything that is in it. Certain Members know certain things about it. And then we pat ourselves on the back. What a great victory—it was proclaimed down in the Rose Garden—what a victory for the American people! What a shame. Webster wouldn't define that as a victory.

I was invited to go down to the White House. I didn't go. I didn't consider that a victory. I am not going to be a prop, a backup prop, for that kind of victory. Why is it a victory? Several months late we all gather in the Rose Garden and pat ourselves on the back for having finally gotten around to doing the work that we should have done months ago? Is that a victory?

Mr. President, although I strenuously object to the process, I will vote for this monstrous measure in the form of a conference report for the same reason that many other Senators will vote for it—and that is to keep the Government running.

All that I have said is not to say that this huge legislation does not have some good things in it. There are some

good things in it that we know about—good things for the Nation—and we do have to pass appropriations bills to keep the Government running. If Congress does nothing else in an entire year, it must pass appropriations measures to keep the Government running. But it is not a vote which I relish casting.

I would be less than honest if I did not state here and now that I do not know—as I have stated already—a great deal about what is in this legislation. In that, I am not alone. This conference report is a creation, without a mother or a father—rather more like a Frankenstein creature, a being of some sort that has been patched together from old legislative body parts that do not quite fit. And just as Dr. Frankenstein was quite surprised by the results of his creation, so may we be startled by the result of ours.

So we all gather down in the Rose Garden to proclaim what a victory this Frankenstein monster is for the American people! Hail, hail the victory for the American people.

Hastily drafted legislation, as Senators in this body well know, often has strange and unintended consequences. I don't fault the chairman of the Appropriations Committee. Senator STEVENS and the Appropriations Committee worked hard and reported the appropriations bills. We could long ago have acted upon these bills in the Senate and sent them down to the White House. We could have long ago done it. The Appropriations Committee didn't hold up the bills. I fault the entire Congress for repeatedly failing to do its work, and for bringing us to the brink all too often.

Thirteen appropriations bills, Mr. President, and several supplemental bills comprise the sum total of what this Congress actually has to accomplish each year. Those 13 bills, and any supplementals which may be needed, make up our basic work requirement each year before we can go home. Yet, how often we have to cobble together continuing resolutions or horrific omnibus bills like this one because we will not do our work in a timely way. Out there in the real world when you don't do your work you are fired. On the real job site, colleagues, we would be gone! We would have been gone, out there on the real job site! That is us, the delayers.

What results when we get to the end of a session and go through these agonies is Government at its worst. Someone said that making legislation was like making sausage. Don't kid yourselves. I have made sausage. It is nothing like making this piece of goods. I have made sausage. I can tell you that what we did this year in gobbling together this appropriations conference report is significantly more sloppy, more messy than making sausage.

Congress did not even pass a budget resolution this year. How about that. The Senate passed a budget resolution. The House passed one. But they never got together in conference, so Congress never passed a budget resolution this year.

I believe that this is probably the first time since 1974, when we enacted the Congressional Budget Act, that we have gone ahead and written appropriations bills without the discipline of a budget resolution.

It is rather like writing checks when you have no idea how much money is in your bank account. No sane, responsible citizen would do that. But that is what we have done with the Federal budget in this unfortunate year. We have prostituted the legislative process. We have prostituted the appropriations process. Aha, what a victory!

But the worst part about this year-end charade we so often play with appropriations bills, and especially this year's belly dance with the White House, is the way that we have flaunted the Constitution—flaunted the Constitution!

Mr. President, I do not like to be tedious about these things, but the Constitution is not a rough draft.

Article I, Section 1, of the U.S. Constitution says:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Earlier this year, I filed an amicus brief before the Supreme Court of the United States along with Senators MOYNIHAN and LEVIN with the aim of bringing down a gross aberration of the framers' intent called the line-item veto.

One of the major agreements made in support of our case against the line-item veto was that the President is not empowered to legislate, and the Supreme Court upheld that. The President is supposed to faithfully execute the law, not write it. And so we argued that when the President can completely alter an appropriations bill by lining out portions of it, by repealing it, by canceling it, canceling portions of it, thus creating an entirely different bill—one that has never passed either House of Congress—he, the President, has become not just a legislator but a superlegislator. The Court agreed. God save the Supreme Court of the United States! The Court agreed. They wisely struck down this unwise and dangerous statute.

But now look, just look now at what we have done. Look at what we have done now to the framers' handiwork at the close of the 105th Congress. We invited—we, the Congress invited—the executive branch to legislate. We said, ''We can't do it. You come on in.'' We invited them to legislate. Shame, shame on us! We eagerly offered the executive branch a seat at the legislative table. They are, in fact, in every way co-architects of this giant piece of legislation.

We have allowed—not only allowed, we have invited—this White House to participate in this process, just as if, under the Constitution, the executive branch were legislators. So we have invited the executive branch to be co-authors of this giant, hybrid measure in the form of a conference report. It contains both legislation and appropriations bills about which most Members of Congress, especially on this side of the aisle, know very little.

Why do I say ''especially on this side of the aisle'' we know very little about it? I will tell you why. We had two or three levels of conferences going on, all at the same time. The appropriators, Senator STEVENS, Representative LIVINGSTON, the chairmen of the two appropriations committees, respectively, and Mr. OBEY of the other body and I, as ranking members of the two appropriations committees, met. We met all day Saturday; we met all day on the Sabbath; we met all day Monday, Columbus Day, and we hammered out item after item after item. On the other side of the table were the executive branch people. Can you imagine that. We invited them by our having delayed action on the appropriations bills.

Then on another level there was Speaker GINGRICH and the majority leader of the Senate, Mr. LOTT, both Republicans, a great political party—I have nothing against that; I have nothing against those two men, but there was the majority, the Speaker of the House, and the majority leader of the Senate. Where were the Democratic legislators at that level? There weren't any. No Democrats from the Senate or House were there to represent the minority in those negotiations.

Who represented the minority? The executive branch—the executive branch represented the minority in the Senate and House because the minority in the Senate and House wasn't at the table. We weren't at the table. The minority in the Congress had been blacked out of the picture because our seat at the legislating table was occupied, by whom? By the President's men. I don't think the President attended any of the meetings. But he was represented. He had his representatives from the White House at the table.

On one side of the table were the representatives of the President; on the other side of the table were the Speaker and the majority leader of the Senate representing the majority. We in the minority in the Senate and in the House were not at that table. If Banquo's ghost would have appeared there, I wouldn't have seen him.

I deplore this process. We have run roughshod over the Constitution of the United States of America. Through this process, we have, in effect, circumvented the supreme law of the land because we have circumvented the Constitution, Section 9 of Article I and Section 1 of Article I.

We have blurred and we have blended the very clear lines of the separation of powers set out in our national charter, and instead we have cooked up this unsavory soup which will be force fed to

the American people in order to avoid a completely avoidable, but for partisan games, Government shutdown. This time there is no Supreme Court to save us from ourselves. We are quite randomly doing violence to the Constitution, and justifying it because of political expediency. Not only are we justifying it, we are claiming that it is the ''second coming.'' ''Hallelujah, what a victory for the American people. Come one, come all. Come down to the Rose Garden! Hallelujah, what a great victory for the American people!''

What a shame! Call that a victory!

I extend my thanks to the distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS. He has worked hard. He has done a masterful job in bringing the bills to the floor. He has worked zealously, assiduously, and effectively. I have never seen a finer chairman of the Appropriations Committee. I take my hat off to him. And I do the same with respect to his counterpart in the House, Mr. LIVINGSTON. I commend them both and I thank them both for their hard work in bringing this measure to the floor under very difficult circumstances. And I also commend the ranking member of the House Appropriations Committee, Mr. OBEY. Moreover, I appreciate the tireless efforts of the subcommittee chairmen and the ranking members of the subcommittees. I thank the staffs that have been hard at work, far into the nights. Our staffs on both sides worked far into the nights to cobble together these webs, fragments, and pieces of legislation. Each chairman and ranking member, and their staffs, on a bipartisan basis, have worked many long hours and weekends in order to complete this piece of legislation.

While I do sincerely appreciate all their efforts, I hope that they will join me in my belief that this has to stop. How long, how long are we going to have to deprive our constituents of the opportunity of having their Representatives offer amendments to legislation on the Senate floor? I will never vote for another such monstrosity as long as I am privileged to hold this office. And I hope I never see another such monstrosity. I will never again support such a convolution of the legislative process as the one we have seen this year. And I hope that others will agree that this process is just as silly and as sad and as ridiculous and as disgraceful as I think it is. I hope they will join me in an effort to prevent it in the future.

I again thank the chairman of the committee. I am sure that he does not think any more of this process than I do. Under the Constitution, the legislative branch is to appropriate. The legislative branch has control over the purse, and the legislative branch should never so conduct itself as to essentially invite the executive branch to participate in the writing of appropriations bills.

The President has his right under the Constitution to veto a bill, but I say we ought to appropriate. We ought to pass the bills. We ought to be able to have them called up here, be able to offer amendments on both sides of the aisle—and on another day I will talk about that part of the process that is partly to blame for this situation we are in. But we ought to send the President the bills. Send them on time. If he wants to veto them, fine; he has that right under the Constitution. And the Senate and the House can try to override if they can. If they cannot, then they just cannot. But we ought not, ought not be a party to inviting the executive branch to participate in legislating appropriations bills and then gather on the White House lawn and here at the Capitol to proclaim that it is a victory for the American people.

Shame on us!

Mr. President, I ask unanimous consent that 15 minutes of my time be reserved for Mr. DORGAN.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. WELLSTONE have 15 minutes of time, later.

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

Mr. STEVENS. I see the Senator from Nebraska here. I will yield him such time as he wishes on the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I wish to thank my friend, the distinguished chairman of the Senate Appropriations Committee, for the time. I also wish to acknowledge, with a great amount of respect, the work that he has done on the Omnibus appropriations bill. He has done this work after being placed in an almost impossible situation, being placed in a situation not of his making. Nonetheless, the quality of his effort and leadership is recognized in this Capitol, as it has been for many years. I, too, wish to recognize that.

With that said, I rise today to oppose the omnibus appropriations bill. In my opinion, this bill is the irresponsible product of a dishonest process. It is wrong for America, and I will vote against it.

For the first time in a generation, this Congress balanced the Federal budget. We had a chance to deliver—deliver real tax relief for the second year in a row. Instead, we began to drift early this year by failing to pass an annual budget resolution—the first year without a budget resolution since the Budget Act became law in 1974. Now we have this unaccountable bill that gives away much of our hard-fought budget success.

It is humanly impossible for any of us in this Congress to know all that is in this bill. Some parts were still changing as recently as yesterday, and the full text of the bill was not available even to most U.S. Senators until almost noon today. It will take months for us to study the more than 3,000 pages of text and learn what is in it. Yet, we are asked to vote on this package, up or down, no amendments, with a couple of hours of debate. Take it or leave it.

Mr. President, that is irresponsible. That is irresponsible. We cannot forget that the American people are watching. We have to take a step back from all of this, from the swirl of negotiations and the deal-making—oh, yes, there has been a lot of deal-making—and remember who pays the bills. Whose money is it? We seem to forget whose money we are dealing with. We talk about a billion here, and a billion there—$100 billion. Now we are up to over $500 billion in this bill. This money comes from the pockets of the American taxpayer. It is their money. It is not the Congress' money. And they are watching. The American taxpayers are watching. They are watching how we spend their hard-earned money.

We don't have very good answers, certainly not in this bill. None of us knows, or could possibly know everything that the money is going for—the taxpayers' money is going for—in this bill, or how many millions of dollars have been tucked away for special projects for individual Members thrown in at the last minute behind the curtain deals. Can anyone possibly believe that this mindless process gives the American people any confidence that Congress knows what is going on, or Congress knows what it is doing, or Congress knows or cares about how we spend the taxpayers' money? The American people look at this process, and they turn away in disgust, as they should.

I want to share with this body, Mr. President, a couple of comments from letters and e-mail I have received from constituents in Nebraska in the last 48 hours.

This one comes from Mr. Lee Hamann of Elkhorn, NE. He writes:

> Absolutely incredible. The 100,000-teacher item is another hoax, just like the 100,000-police-officer scam a few years ago—that the Congress and President Clinton pulled on America. Where do the local governmental bodies get the money to continue to pay these new positions after the Federal money runs out? And who says we need 100,000 new teachers?
>
> Who invented that number?
>
> One of the biggest problems in funding education is that the majority of the money is not being spent on teachers; it's going to administration. Compliance with Federal mandates [and regulations] and a whole host of other politically correct nonsense that has nothing to do with teaching our children and maintaining good discipline in schools. If Congress wants to do something positive for education, then give us a realistic school voucher system and allow parents to deduct tuition to private schools [church or secular].

This comes from a constituent, a taxpayer.

Another one from Mr. Michael J. Snyder from Edison, NE. He writes:

> I would like to have seen a tax cut for the family. Not everybody in Nebraska farms.

Not everybody is going to get some of the extra money.

There are some of us who would like to see a cut in our income tax so that we would be able to keep more of our own money to use for our own purposes. I think we can find better ways to use it than the Federal Government.

Another one from David Begley from Omaha, NE. He says:

Why do all the appropriations bills get done at the last minute and then the President threatens to shut down the Government and blame the Republicans?

Who is in charge back there?

Good question.

Mr. President, I understand very well that our democracy requires compromise. There is much room for honorable give and take in negotiations—honest, open, honorable negotiations. I am well aware that our negotiators had to face a President who pushed again and again and again for irresponsible new spending programs. I did not expect this bill to be absolutely pure and free from all blemishes. None of us did. But there must be a limit. This bill gave up too much. This bill busts the budget. This bill busts the budget by more than $20 billion.

I don't believe the Founding Fathers of this country ever intended for a few Members and staff to make more than one-half of a trillion dollars worth of arbitrary, closed-door decisions for the rest of us, for America—almost one-third of the Federal budget—and then present them to all other Senators and Representatives, men and women elected by the people of this country, by the taxpayers, and then say take it or leave it, an up-or-down vote. No debate, no amendments. This process, Mr. President, is not worthy of the U.S. Senate.

Instead of cutting taxes, paying down the national debt, or even ''saving Social Security,'' this bill squanders the first budget surplus in almost three decades. Almost one-third of the projected surplus is going to more than $20 billion of new spending not paid for by offsetting it, by cutting any other spending. Instead of reflecting the priorities of the American people, this bill reflects on the priorities of the minority in Congress, such as $1.2 billion in new Federal money to pacify the National Education Association.

Instead of less regulation, this bill gives us more government.

It includes a provision that will hamstring Federal prosecutors by subjecting them to a patchwork of State ethical guidelines. On its merits, this provision never would have survived the U.S. Senate.

It includes $192.5 million for the Global Environmental Facility, even though, Mr. President, the Senate and the House had rejected this level of funding. We had actually rejected it. And this is to advance a treaty, the Global Warming Treaty, that the administration does not have the guts to send to this body to debate. They don't have the guts to do it, because they know it would be defeated. But, yet, through back-door spending—and what we have given up after the House and the Senate said we weren't—but yet this is now put in this bill. We are allowing this administration to get away with it. How did something like this get into this bill?

Of course, this bill also includes much that is good, much that I support and fought for, along with Chairman STEVENS and others. I worked hard, like many of us, to win full funding and reforms for the International Monetary Fund.

I strongly support the agricultural relief provisions and many provisions of this bill. But we should have the guts to stand up and say these and other important programs are priorities. And we should have the courage—we should have the courage—to tell the American public how we are going to pay for it. We shouldn't use budget gimmicks to hide what we have spent.

This bill includes a full range of spending by the Federal Government, and it should have been subject to the full range and full scrutiny of honest, open debate. It should have been subject to debate and amendment—the most powerful, the most powerful and important tools available for the U.S. Senators to carry out their constitutional responsibilities. But, instead, this bill is presented to us without opportunity for amendment or opportunity to really know what is in this bill. Over 3,000 pages make up this bill.

This ''omnibus'' bill also includes several authorization bills—policy bills—that should have risen or fallen on their own merits, not by finding their way into this unamendable tome. Congress should set new government policy when ideas are fully debated. Congress should set new government policies when ideas are amended and considered, and defined and voted for—not when a small group of negotiators decides that idea or this idea has merit. But this ''omnibus'' bill includes entire policy bills included in this one-half-trillion-dollar, over-3,000-page document.

Many of these policy bills have been slipped in from overhauls of immigration policy to regulation of the Internet. Seven separate antidrug authorization bills were slipped into this ''omnibus'' bill. And we can't amend any of it. We can't shape it, change it, influence it, delete it. We can't do our jobs as representatives of the American people.

Mr. President, this is not how the U.S. Senate should operate. The American people deserve better, and until recently they got better.

Throughout the 1980s—let's go back to the 1980s—Congress did business by passing ''omnibus'' bills, or ''continuing resolutions'' very much like this one. These were unaccountable, pork-laden bills that ran thousands of pages like this bill. They made a mockery of accountability of our democratic process. And then in 1988, many of you will remember that President Reagan stood up against what he described as ''. . . monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill. . . .''

In his very memorable State of the Union Address, he stacked 3,296 pages of budget bills weighing 43 pounds at the podium in the House of Representatives and implored Congress, ''Let's change all this.''

President Reagan called on Congress to pass spending bills the right way—the right way—one at a time, and he pledged to veto any future continuing resolutions. For 8 years, from 1988 through 1996, Congress did its work, as it should, as the American people expected, and passed individual appropriations bills in full and open debate.

Then Congress started slipping into an old pattern. The omnibus bill that year, in 1996, rolled six of the 13 annual appropriations bills into one. This year is worse, one of the worst ever, including eight of the annual appropriations bills, plus authorization bills, in this omnibus appropriations bill.

It is time for us to stand up before this old process takes new root. It is time once more to look at ourselves and declare: Let's change this. I will vote against this bill because I believe it is wrong and the process is wrong. I believe the right thing to do is to kill this bill and for Congress to keep working for the rest of this year, if it takes that, until we do this right.

I believe we should worry less about the elections and polls and government by calculation and more about doing our jobs, the jobs the American people sent us here to do. But more importantly, I believe we will all work hard—I will—to prevent this unaccountable process from ever happening again.

A top priority for this new Congress, the 106th Congress, that will be seated in January of next year must be, must be, to make the necessary changes and reforms to keep the budget process on track. Perhaps we should enact biennial budgeting and appropriations. The distinguished chairman of the Senate Budget Committee, Senator DOMENICI, has talked of this; Senator STEVENS has talked of this. Or we make other changes to ensure that we will put an end to this moonlight madness. This must stop.

Mr. President, this is not Halloween. This isn't trick-or-treat time. This is serious business. I am prepared to work with the Senate's bipartisan leadership, with all my colleagues, to make these changes occur. The American taxpayers expect and deserve better. We owe it to the people who pay the bills.

My colleagues, we can change this nonsense. We must change this nonsense.

I yield the floor, and I thank my friend, the distinguished chairman of the Senate Appropriations Committee.

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

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Alaska has 39 minutes.

Mr. STEVENS. And Senator BYRD?

The PRESIDING OFFICER. Forty-one minutes.

Mr. STEVENS. It is my understanding I had reserved 15 minutes for the Senator from New Hampshire. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does my time that the Chair just announced include Senator GREGG's 15 minutes?

The PRESIDING OFFICER. Yes, it does.

Mr. STEVENS. It does.

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I thank the Chair.

How much time does the Senator from Montana wish, Mr. President?

Mr. BURNS. I thank the Senator. No more than probably 5 or 6 minutes.

Mr. STEVENS. I yield the Senator such time as he wishes to use.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, one does not have to reiterate the complexity of going through this process of appropriations. I rise on this floor of the Senate with mixed emotions this afternoon as we consider the omnibus appropriations bill for 1999. I, as the speaker before me, know and understand what the chairman of the Appropriations Committee has gone through to bring this process to this point. I shall vote yea on this bill, but anybody who tells me that they have a handle on this bill would be just like their local weather forecaster—they are either a fool or a newcomer.

The framers of our Constitution did not envision the process which was the design of an administration that was irresponsible and reckless in both actions and words with the Congress and the people of this country. Being forced into a situation where the will of Americans is denied in the spending of their hard-earned money, that is not my idea of representative government. The same Americans were even denied debate on issues that would become the law of the land. I think it was THOMAS Jefferson who said that the Constitution should be flexible; it should be subject to change with the times to reflect the will of the people and not to the master politician. I believe the American people have fallen prey to those who have mastered their craft very well.

The process, as all appropriations processes, started as it should have; subcommittees, working with the administration, held hearings with the different Departments of the Federal Government, which is the administration. After being completed at that level, the consideration moved to the full Appropriations Committee. All members of that committee debated and passed on to the full Senate the appropriations bill that was started at the subcommittee level some 6 or 7 months ago.

Where were all the voices that we hear now when the work was being done at the grassroots level? Now we hear them as we come to the close of the 105th Congress. Did we not know then that a well-orchestrated delaying action was taking shape? The answer is a resounding yes. There was not one, not one who as a Member of Congress representing their respective States, was not aware, did not know where we were heading. Attempts by this administration were made to shortcut or shortcircuit the process. So when the 105th Congress closes its work, it will be the responsibility of the 106th Congress to ensure that this will never happen again. The American people deserve no less.

Now, as to the bill itself, to those critics who say there is not good in this bill, I say you are wrong. To those who say there is no tax relief in this bill, I say you are wrong—small as is might seem. And to say that tax relief is not for the proper segment of our Nation's economy, I say you are also wrong. To those who would say we have saved, saved I say, Social Security and the financial foundation of our Nation, I say you are wrong again.

It is disingenuous to ask that money be spent from the Nation's Treasury for domestic social programs under emergency conditions knowing of the surplus of funds that now exists and knowing the appropriations would not be subject to budget caps that were agreed to over a year ago. The only absolute condition—Social Security can be saved and reformed—is when Congress has created and saved, saved those surplus funds to ensure its solvency. Spending some of the surplus weakens our ability to reform and ensure the solvency of any entitlement deemed by this Congress or the administration.

The most important ingredient to make our system work for all Americans is trust and integrity. The framers of the Constitution warned us that there are weaknesses and pitfalls and certain dangers in self-government. In fact, the self-governed, who have the power to vote themselves bread with not one drop of sweat falling from their brows, are not absolved from the responsibility that they have at the ballot box. We, every American, all share this duty.

For this system to survive depends on the degree of national responsibility that is found in their elected Representatives. This 105th Congress has addressed crises that fell on our ability to produce food and fiber for this Nation. We addressed the crisis that has befallen our rural communities as a result.

We have attempted to address education by using money alone. Again, I fear that we will be disappointed with the results. In this body, we make most of our decisions based on history. The key has always been the past. Communities of this Nation should have, and have had, the power and the wisdom to say ''what, why, and how'' they should educate the next generation.

The stakes are high, as the very freedoms we all hold dear and above all else are at issue. The price of freedom is too dear to change the very basic foundation. The Nation has always drawn its power from local communities and their ability to solve not just local problems, but most of the problems of the Nation's interests. To abandon that premise would be dangerous and unwise.

It is unfortunate that we have to pass a measure of this magnitude, of this size, but that is the way it was forced upon this Congress this year. Were bad decisions made early on? Yes. But we can make some good decisions now. We must always keep in mind: We only have a surplus in our Nation's Treasury as a result of a strong economy. You could say the taxpayer really overpaid us. If they did, they are also telling us that we should not keep the change.

I yield the floor.

MODIFYING SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. ABRAHAM. Mr. President, I would like to take a moment to comment on a provision included in the omnibus appropriations measure that would modify section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 would have required the INS to establish, by September 30, 1998, an automated entry and exit control system to document the arrival and departure of every alien entering the United States. This particular language in the Illegal Immigration Reform Act was adopted only in conference and had the unintended and unforeseen consequence of requiring the INS to implement automated entry and exit control at land borders and at seaports, rather than simply at airports.

I learned of this market early this Congress and realized that extremely grave consequences would result to trade, commerce, tourism, and legitimate cross-border traffic if it were implemented anywhere other than at airports. My home State of Michigan would be hard-hit. More United States-Canada trade crosses the Michigan border than in any other State. The American automobile industry in particular would be devastated. That industry alone conducts over $300 million of trade with Canada every single day, and relies on new ''just-in-time'' delivery methods that make United States-Canada border crossings an integral part of American automobile manufacturing. A delivery of parts delayed by as little as twenty minutes can cause expensive assembly line shutdowns.

Unfortunately, testimony at the two Immigration Subcommittee hearings I chaired on this topic indicated that delays at the border could immediately exceed 24 hours. Implementation of entry and exit control at the land borders would effectively shut the border and effectively shut down the auto and many other industries. It would also

involve untold expenditures in the billions of dollars for new infrastructure and personnel.

I would like to thank my colleagues for appreciating the seriousness and urgency of this problem. The Senate spoke with one voice on this issue when it granted unanimous consent to the legislation I introduced. Senate bill 1360, that removed any requirement to implement entry and exit control at the land borders and instead provided for a feasibility study on implementing section 110 at the land borders. Last week, the Senate granted unanimous consent to a stopgap measure I introduced to ensure that implementation would not be required pending our resolving this on a longer-term basis.

My colleague from New Hampshire, Senator GREGG, who is the chairman of the Commerce, Justice, State Appropriations Subcommittee, also appreciated the importance and urgency of this issue when he ensured that a provision concerning section 110 was included in the Senate Commerce, Justice, State appropriations bill.

Mr. GREGG. I thank the Senator from Michigan for pointing that out. We included a repeal of section 110 in the CJS appropriations bill. Section 110 would require a tremendous amount of appropriations for what would be, in my view, almost no tangible benefit. We should be responsible with our appropriations and ensure that federal monies are spent on immigration enforcement efforts that really will be effective, rather than on unintended, untried, and untested systems.

Mr. ABRAHAM. Is my understanding correct that the current appropriations legislation before the Congress does not include any funding for implementing entry and exit control at the land borders?

Mr. GREGG. That is correct.

Mr. ABRAHAM. I would hope that the appropriators will ensure in the future that no money is appropriated for this system until it is certain that the system will cause no additional delays at the land borders and will not harm American trade, tourism, or other legitimate cross-border traffic in any way. Do you agree?

Mr. GREGG. I agree with you entirely on that.

Mr. GORTON. Let me just add, both as a member of the Appropriations Committee and as a Senator from the State of Washington, that I agree that no money should be spent on implementing any such system at the land borders or seaports until we are assured that no adverse consequences will result. I am convinced that the consequences would be disastrous. I would also like to ask the distinguished Majority Leader for his support.

Mr. LOTT. I thank my colleagues. I agree that we have no idea at this point what sort of system would be implemented at land borders and seaports or how much it would cost. Under the compromise worked out with the House and included in the omnibus legislation, there will be no implementation at the land borders or seaports for 2½ years. I hope that will give us enough time to figure out what to do with this.

Let me assure my colleagues that if it becomes clear that such a system will not be able to be implemented without adverse effects on our border communities, on trade, or on tourism, I will work with them on authorizing legislation to remedy any problems and will work with them to ensure that no appropriations go toward implementing any system that will not be acceptable to them and supported in their States.

Mr. ABRAHAM. I thank the distinguished Majority Leader for his concern and his support. I would also like to note that the compromise language provides that the system to be developed by the INS must ''not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.''

As I have noted, delays of even 20 minutes or less could cause very significant disruptions in the auto industry in Michigan. I am sure the many other industries and States affected will face similar devastating consequences from increases in waiting time at the land borders. Disruptions must be considered all along the chain of production and trade and in the widest possible context, not simply in terms of what actually occurs at the border, in determining whether or not they are significant. Do my colleagues agree?

Mr. LOTT. I agree.

Mr. GORTON. I agree.

Mr. GREGG. I agree.

Mr. ABRAHAM. I thank my colleagues and appreciate their support.

I will be working to ensure that such a system never harms our borders and our trade, and will also be working on providing that this issue is properly studied before it is implemented.

Mr. DURBIN. Mr. President, I would like to commend the distinguished Senator from Michigan for all of his hard work on the H1B visa program. I voted against passage of this measure in the Senate in the spring but today am happy to have it included in the omnibus. This is due to the incredible efforts of Senator ABRAHAM. This is a well-balanced measure that addresses the needs of the business community while protecting the well-being of American workers. One of the most impressive accomplishments in this proposal is that it attempts to meet a short-term labor shortfall while instituting a program to ensure a long-term labor supply. The bill creates a new program of grants to provide technical skills training for workers.

This bill contains provisions to ensure that Americans will not be harmed by this legislation. A $500 fee paid by businesses wishing to participate in the H1B program will raise approximately $75 million annually to be split between a scholarship program for underprivileged high school students studying mathematics, computer science, or engineering and funding for job training programs which focus on information technology.

One project that I hope would be supported under this new program is the DePaul University High-Tech Workforce Pilot Program in Chicago. It was developed in conjunction with Chicago companies and local government with the goal of preparing America's workforce to compete in the dynamic high-tech industry. It has also been developed to be a model that can be replicated by other universities and cities. I believe that DePaul's training, retraining and education program will expand America's skilled labor force.

Let me again congratulate, Senator ABRAHAM for his success and hard work.

Mr. ABRAHAM. Mr. President, I thank the Senator from Illinois. As he pointed out, the American Competitiveness and Workplace Improvement Act, includes a provision to provide math, engineering and computer science scholarships to needy students and a provision to provide additional worker training programs. There are a number of pilot programs being developed around the country to provide high-tech training to American workers. As Senator DURBIN mentioned, DePaul University has developed just such a pilot program to address the shortage of qualified U.S. high-tech workers that might well serve as a good model for other programs across the country. Programs like the one developed by DePaul University are what we had in mind when the training provisions were drafted.

NATIONAL SECURITY

Mr. MACK. Mr. President, I understand that language has been added to section 117 of the FY99 Treasury-Postal appropriations bill since that bill was passed by the Senate. It is also my understanding that this bill will be included in the omnibus spending bill. I would like clarification from my colleague from North Carolina who attended the conference on this legislation.

Mr. GRAHAM. I join my colleague from Florida in making this inquiry. Since enactment of the provision by the Senate, I have noted that a new section (d) has been added in conference, which provides that the President may waive the ''requirements'' of this section in the national security. I note that the term ''requirements'' may require clarification. As I understand the import of this language, it does not allow the President to waive the section as a whole, but only those part that relate to ''requirements'' on the Secretaries of Treasury and State. Is that the understanding of the Senator from North Carolina?

Mr. FAIRCLOTH. Yes, that is my understanding, and that is confirmed by the Report of the Conference Managers, which distinguishes between the term

''provision'' and the term ''requirements of this provision.'' And it is further my understanding that, to the extent that the section 117 establishes any ''requirements'' within this so-called waiver provision, those requirements are contained only in new section (2)(A).

Mr. LAUTENBERG. As the author of the original provision, Mr. President, I can assure my colleagues that it was my intention that state sponsors of terrorist acts against Americans pay the price for their deeds set by U.S. courts. I did not include a waiver because I don't believe countries which sponsor terrorism should be shielded from these judgements. On the interpretation of the waiver added in conference, I would have to rely on the Senator from North Carolina and the chairman of the Appropriations Committee.

DEPARTMENT OF ENERGY'S WINDOWS PROGRAM

Mr. MACK. Mr. President, I would like to engage Senator GRAHAM in a colloquy concerning the Department of Energy's energy saving windows program. I would first like to thank Senator GORTON for his past efforts in assisting the State of Florida's development of electrochromic technology. We support the Department of Energy's continued support of the State of Florida's electrochromic program.

Mr. GRAHAM. Electrochromic technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities. I understand the Department of Energy estimates that placing this technology on all commercial building windows in the United States would produce yearly energy savings equivalent to the amount of oil that passes through the Alaskan pipeline each year.

Mr. MACK. I have been told the State of Florida has provided over $1.2 million toward the advancement of plasma enhanced chemical vapor deposition (PECVD) techniques for electrochromic applications. The program is being undertaken in conjunction with the University of South Florida and utilizes the expertise and patented technology of the National Renewable Energy Laboratory in Colorado.

Mr. GRAHAM. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership. I understand the program is consistent with industry priorities and the goals of the Department of Energy's energy saving windows program.We hope that the Department of Energy will provide no less than $1 million of Fiscal Year 1999 funding for electrochromics to further the State of Florida's development of PECVD techniques for electrochromic technology.

Mr. MACK. I understand that the State of Florida's development of plasma enhanced chemical vapor deposition (PECVD) for electrochromic applications is consistent with the priorities of the industry within the United States and the goals of the Department of Energy's windows program?

Mr. GRAHAM. Senator you are correct. I would also like to voice my concern regarding Fiscal Year 1998 funding that has not been provided by the Department of Energy to assist the State of Florida's program.

Mr. MACK. I agree with you Senator. I hope the Department of Energy will move quickly to release Fiscal Year 1998 funding in an effort to maintain domestic superiority in this important energy conservation technology.

FISCAL YEAR 1999 TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS—MIDWEST HIDTA

Mr. HARKIN. Mr. President, I would like to thank Chairman CAMPBELL for his hard work, commitment, and dedication to increasing the funding level for the high-intensity drug trafficking areas in the fiscal year 1999 Treasury and General Government appropriations bill. When the Senate version of this legislation was being debated on the floor, Chairman CAMPBELL and I worked together to increase funding for several of these areas, including an additional $3.5 million for the Midwest HIDTA.

Mr. President, in the last three years, the Midwest has experienced a phenomenal increase in the importation, distribution, and clandestine manufacturing of methamphetamine. The region's central location, variety of interstate highway systems, along with its air and rail hubs enhance, its popularity as a market for Mexican methamphetamine trafficking operating out of the Southwest border areas. The Midwest HIDTA is integral to the strategy employed by each state to reduce methamphetamine importation, distribution, manufacturing, and related criminal activity.

Although the conference report for the fiscal year 1999 Treasury and General Government appropriations bill did not include specific funding for each HIDTA, the conferees did include a significant increase in HIDTA funding.

Therefore, I would like to ask the Chairman of the Treasury and General Government Appropriations Subcommittee if it was the intent of the conferees that a large portion of the increase in HIDTA funding should go to the areas which were specifically listed in S. 2312 as passed by the Senate. These areas include the current Midwest HIDTA, an expansion of the Midwest HIDTA to include the State of North Dakota, the Central Florida HIDTA, the Cascade HIDTA, and the Southwest Border HIDTA.

Mr. CAMPBELL. I thank my colleague from Iowa for raising this issue. The Senator from Iowa is correct that the conferees did not include a specific increase in funding for the individual HIDTA's. However, it is my hope that the Office of National Drug Control Policy will use these extra resources to fund an increase in those HIDTA's which demonstrates the greatest need. Consideration should be given to those HIDTA's cited in the amendment described by the Senator from Iowa.

Mr. HARKIN. I thank my colleague from Colorado for his assistance in this matter, and for his efforts to increase the safety of our citizens by substantially reducing drug-related crime and violence.

ENERGY EFFICIENCY

Mr. MURKOWSKI. Mr. President, I rise today to further clarify that the language in the legislative report that accompanied S. 2237 with respect to energy efficiency codes and standards was not intended to conflict with existing laws. This issue was debated thoroughly when the Congress passed the Energy Policy and Conservation Act in 1975, and again in the debate over the 1992 Energy Policy Act. I ask unanimous consent to have printed in the RECORD a letter from seven of my colleagues expressing concern over this language.

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

U.S. SENATE,
Washington, DC, September 3, 1998.

Senator FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. We are deeply concerned over language in the legislative report that accompanies S. 2237, The Department of the Interior and Related Agencies appropriations bill. Several sentences in the Energy Conservation section of the report (pp. 100–101) reverse nearly a quarter-century of federal policy and ignore the clear statutory direction given in the Energy Policy and Conservation Act 1975 (''EPCA'').

EPCA is where the Department of Energy's appliance efficiency program began and it clearly says (at 42 U.S.C. 6291) that DOE should measure ''the quantity of energy directly consumed by a consumer product at its point of use.'' Then and now, others believe that DOE's standards should be based upon a more expansive definition of energy use, one that included exogenous factors like ''total fuel cycle'' costs, emissions and externalities.

Congress and the President wisely rejected such an approach both in 1975 and in succeeding debates in recognition that determining the energy use of an appliance at its point-of-use is a measurement, while attempting to factor in various exogenous factors is an attempt to estimate that which cannot be measured, projected, quantified or extrapolated with any real accuracy. It is a case of comparing hard, objective measurements with soft, subjective estimates.

This approach was clearly seen as unworkable in 1975. Nothing that has happened in the intervening twenty-three years makes it any more workable toady. No two people could agree on which exogenous factors should be quantified, let alone how they might be quantified. The resulting numbers would be useless, reflecting politics rather than good science, engineering or mathematics.

This report language, which directs the Department to drop the current ''point of use'' standard in favor of this expansive ''source based'' standard, was inserted with no hearings, no debate and no attempt to involve the committee of jurisdiction, which you chair. In addition, DOE's recently formed Advisory Committee on Appliance Standards

was completely ignored by the ''source energy'' advocates, who are themselves members of the Advisory Committee.

We urge you, as Chairman of the Energy Committee, to assert your committee's jurisdiction over this statute and program. A program that has provided America's consumers with accurate and useful information for the past twenty-three deserves thorough review before changes of this magnitude.

Sincerely,

TOM HARKIN.
CHUCK GRASSLEY.
CRAIG THOMAS.
MICHAEL B. ENZI.
LARRY E. CRAIG.
JOHN GLENN.
JAN KYL.

Mr. MURKOWSKI. During past consideration of this issue, the majority of Congress determined that energy consumed at the point of use can be measured, projected and extrapolated with greater accuracy than data based on subjective estimates of externalities, such as emissions, and ''source energy.'' This determination is clearly reflected in the authorizing statute, 42 USCS Section 6291, which defines ''energy use'' as ''the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 323 (42USCS Sec. 6293).'' Any substantive change in existing law and policy should only be undertaken after careful consideration by the authorizing committee of jurisdiction, the Committee on Energy and Natural Resources.

With respect to the Federal Energy Management Program, another program potentially affected by this language, 42 USCS 8253 and Executive Orders 12759 and 12902, which relate to improvement in energy efficiency in federal buildings, stating that ''each agency shall apply energy conservation measures to, and shall improve the design for the construction of, its Federal buildings in use during the fiscal year 1995 is at least 10 percent less that the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 1985. . . .''

The June 1996 policy statement of the Federal Intergency Energy Policy Committee interprets these authorities as encouraging cost-effective energy projects that results in ''operational cost savings,'' regardless of whether that consumption is measured on a site basis or a source basis. While this allows the goal of reduced energy consumption to be demonstrated by source or site analysis, saving taxpayer dollars is retained as its primary criteria for projects. A change to consideration of externalities and ''source energy efficiency'' over direct cost savings would be a major change that should also be undertaken only after thorough analysis of its impact by the authorizing committee.

I understand the concern that the Department could improve the analytical methods that are used to calculate ''source'' energy efficiency, which would give consideration to the full panoply of costs involved in using various appliances and making other energy efficiency decisions. Under the authorizing statute, the Department may make an effort to reduce the subjectivity involved in making the estimates necessary to make ''source energy'' calculations.

This work can be taken into account as the appropriate authorizing committees consider changes in our existing national policy. Until that time, the existing statutes are the law of the land.

THE AMERICAN FISHERIES ACT

Mrs. MURRAY. Mr. President, the Omnibus Appropriations measure before us contains an important provision regarding foreign ownership and control of United States fishing vessels as well as a resolution of disputes regarding the North Pacific pollock fishery. More than one year ago, Senator STEVENS introduced S. 1221, the American Fisheries Act. A major purpose of this legislation, and a goal I strongly support, was to further increase the level of ownership of U.S. fishing vessels. The Americanization of the U.S. fishing industry began in 1976 with the passage of the Magnuson Fishery Conservation and Management Act which established a 200 mile Exclusive Economic Zone (EEZ) and prioritized access to fishery resources within the EEZ to American citizens. This legislation is an historic milestone in international marine policy and set a precedent that all coastal nations have followed. It was an important step in securing American control of the vast fishery resources off our coastlines.

Eleven years later, another step was taken to further Americanize U.S. fisheries. The 1987 Anti-Reflagging Act required U.S. citizens to own and control at least 51% of any U.S.-flag fishing vessels. This Act also included grandfather provisions that, because of drafting errors, allowed any current U.S. flag fishing vessels that did not meet the new standard to be exempt from the new ownership standard and allowed vessels under contract to be rebuilt into fishing vessels in foreign shipyards to retain their U.S. fishing privileges. The two grandfather provisions allowed a far greater degree of foreign owned and controlled fishing vessels to remain is U.S. fisheries than had been intended. Although the United States Coast Guard correctly interpreted these grandfather provisions in a legal sense, there has been ongoing controversy regarding Congressional intent with these grandfather provisions and their application by the Coast Guard.

Eleven years later, the American Fisheries Act will finally resolve this issue. It requires a real, effective, and enforceable U.S. ownership threshold for U.S. flag fishing vessels. Under this Act, U.S. citizens must own and control 75 percent of the ownership interest in any U.S. flag fishing vessel. I strongly support these provisions as an important step in our ongoing efforts to Americanize the fisheries of the United States EEZ. It is time to more fully ensure that the vast fishery resources of the United States are harvested by Americans. These provisions will go a long way to making that the case.

In addition to the further Americanization of U.S. fisheries, the Title included in the Omnibus Appropriations measure also resolves the long-standing allocation battles surrounding the North Pacific pollock fishery. When S.1221 was introduced by Senator STEVENS in September 1997, one of the goals in addition to Americanizing the U.S. fishing fleet was to phase out a number of Seattle-based catcher processors that had used the grandfather provisions of the 1987 Anti-Reflagging Act to enter the pollock fishery. Senator SLADE GORTON and I strongly opposed the original legislation because of the devastating impact this phase out would have had on Washington state jobs andthe Puget Sound economy. However, there were a number of Washington state constituencies who strongly supported the legislation and the phase out of these catcher processors.

In the interest of resolving this issue, Senator GORTON convened a meeting in August 1998 of all the major participants in the North Pacific pollock fishery to explore the possibility of reaching a settlement of the dispute. My good colleague from Washington state established a number of principles which all the parties agreed to and guided the discussion of potential solutions. Those discussions led to the conclusion that 4 key issues needed to be addressed: Americanization, decapitalization, rationalization, and reallocation. This meeting led to a series of intense negotiations among the major North Pacific pollock fishery participants, led by Senator STEVENS office, that provided the framework for the legislation before us.

While my colleagues from Alaska and Washington have provided a much more detailed outline of the provisions of the American Fisheries Act, I would like to summarize some of the key aspects.

This bill includes a substantial reallocation of the North Pacific fishery resource, one of the most valuable fishery resources in the world. The 1.2 million metric ton fishery is worth approximately $250 million annually. For the last 6 years, there has been tremendous allocation disputes regarding this resource before the North Pacific Fishery Management Council. Prior to 1992, the offshore component of the fishery harvested approximately 85% of the resource. In 1992, the North Pacific Fishery Management Council reduced this harvest level by allocating 35% of the resource to the onshore component of the fishery, that is, catcher boats delivering to onshore processing plants. Recently, the Council recommended to the Secretary of Commerce increasing this percentage to 39%. This bill provides 50% of the resource to the onshore sector, 10% to the mothership

sector, and 40% to the offshore sector, permanently resolving the long-standing allocation battles over this valuable resource. With each percentage point of the total allowable catch valued at approximately $5 million, this shift in harvest opportunity represents anywhere from a $55 million to $75 million reallocation.

To offset this massive move of fish, the legislation includes a substantial reduction in the excess fishing capacity in the offshore sector. Overcapitalization has been an ongoing problem in all North Pacific fisheries and is the source of the allocation battles that ensue over these fisheries. This act will permanently remove nine pollock factory trawlers from the pollock fishery, in fact, from the U.S. EEZ entirely. Eight of these vessels will be scrapped, preventing them from being used in any fishery in the world. In exchange for retiring these vessels and transferring the pollock catch history associated with them to the onshore sector, the owners of these vessels will be paid $90 million. An additional $5 million will be paid to the remaining participants in the offshore sector of the fishery for the additional reduction in the offshore allocation. $20 million will be provided by the federal government as it bears responsibility for the failure of the 1987 Anti-Reflagging Act to effectively keep foreign fishing vessels out of the U.S. EEZ. The remaining $75 million will be paid by the onshore sector through a federally-guaranteed loan.

Replacement of the capacity represented by these removed vessels is prevented by statutorily establishing either through explicit listing of the vessels or specific criteria for participation, the factory trawlers, motherships, catcher boats, and onshore processors that can continue to participate in the North Pacific pollock fishery. This listing of the eligible fishery participants is essential to preventing recapitalization of the fishery and ensuring that steps toward rationalizing the fishery can proceed. It has not been done without controversy, however. There has been a great deal of concern among the fishing industry in Washington state and Alaska about the exclusive listing of onshore processors. Many fishery participants have made a distinction between addressing overcapitalization on the water and on the land. Many have argued that the exclusive listing of onshore processors will deny fishermen competitive markets for their fish. Others are concerned that it locks in substantial foreign investment in the processing sector of the fishery while at the same time the bill seeks to further Americanize the harvesting of fish in the U.S. EEZ. I share these concerns. However, the need to rationalize this fishery necessitates this action. In the absence of this provision, the ability to proceed with the formation of fishery cooperatives as a means to end the race for fish could not be successful. In the end, I feel the potential benefits such rationalization could provide for both the resource and the industry dependent upon it justify this action. Nonetheless, I think it imperative that both the Council and the Congress closely monitor the impacts of this provision to ensure it achieves our goal of improving the situation for fishermen. If not, additional measures may need to be taken.

This bill relies in great measure on the ability and willingness of the North Pacific pollock fishery sectors to form fishery cooperatives. Fishery cooperatives, authorized under current law, are a privately negotiated allocation on a company-by-company or vessel-by-vessel basis of a portion of the total allowable catch. Similar to an individual fishing quota program, cooperatives provide fishery participants with the certainty they need to stop the race for fish, and harvest and process the fish on a more flexible schedule with greater attention to bycatch, efficiency, and safety. The existing fishery cooperative in the offshore sector of the Pacific Whiting fishery has shown tremendous benefits in these regards and has helped rationalize the fishery. It is hoped that cooperatives can do the same in the pollock fishery.

In the interest of ensuring that small, independent fishermen are the true beneficiaries of fishery cooperatives, the bill includes a number of requirements for fishery cooperatives in all three sectors which are designed to provide these small, independent fishermen with sufficient leverage in the negotiations to protect their interests.

In addition, the bill attempts to ensure adequate protections for other fisheries in the North Pacific and Pacific from any potential adverse impacts resulting from the formation of fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as a statement by Congress that these are the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector from the pollock offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are largely left for the Councils to recommend. Those of us involved intimately in the development of this legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible.

In particular, the legislation directs the North Pacific Council to address the issue of latent capacity in the Bering Sea crab fishery. I am deeply concerned by the recent failure of the North Pacific Council to address this issue in response to this legislation. The relatively minor level of protection provided in the bill for the Bering Sea crab fishery should in no way be construed by the Council as sufficient to protect the crab fishery from potential adverse impacts of pollock fishery cooperatives nor should it be deemed sufficient to address the issue of overcapitalization of the crab fishery and the need to remove latent capacity. I strongly urge the Council to take measures to further reduce latent capacity in the crab fishery beyond that which the License Limitation Program addressed and to avoid rewarding speculative participation in anticipation of the developing industry-funded capacity reduction program being developed by the crab industry. At the same time, the Council should ensure that true historic participants in the crab fishery who have made legitimate investments to harvest crab are not eliminated.

The American Fisheries Act title in this Omnibus Appropriations measure is an important next step in our efforts to Americanize U.S. fisheries and ensure their long-term sustainable use. I support this provision and will work with my colleagues to ensure that is effectively and fairly implemented. In closing, I want to thank Senator STEVENS, GORTON, and MURKOWSKI for their hard work on this legislation. I would also like to acknowledge the hard work of Trevor McCabe, Jeanne Bumpus, Bill Woolf, Martin Kodis, and my own staff, Justin LeBlanc. Without their dedication and perseverance, we would not have put this legislation together.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding there is some time remaining on this issue, is that correct?

The PRESIDING OFFICER. There is indeed. There are 41 minutes under the order; 30 of those minutes have been allocated so there remains 11 minutes.

Mr. DURBIN. Mr. President, I rise to address this piece of legislation which is being talked about on the floor. Millions of people come to Washington, DC, every year to see the sights of Washington. One of the most impressive is a trip to the Archives. Go to the Archives and see the glass cases. In those cases you will find the Constitution of the United States in its original form and the Declaration of Independence. Schoolchildren remember that for a lifetime. They have seen a document that is historic.

I might say to my colleagues in the Senate, I have just seen a document that is historic. Not 50 feet away from where I stand, in room 224, sits a document of 4,000 pages; some 25 pounds of paper that comprise this omnibus legislation we are talking about, a measure rarely seen by anyone.

Is it important? A third of the Federal budget is in that document in that room, and most of the Members of the Senate, aside from a glance walking through, will not see anything else in the document. If we are quizzed as to what is in the measure, we are hoping that our staff or someone else has read it because, frankly, we have not.

How did we get in this predicament? How are we here, on October 20, at the tail end of a misspent life, wondering why this Senate and this Congress were so unproductive during the 105th Congress? Some want to blame the President. But I remind those who do to take a look at the Constitution, because the Constitution has established three branches of Government, each with a responsibility. In this case, our responsibility was, on April 15, to pass a budget resolution, a resolution which was to be basically a blueprint for all spending by the Appropriations Committee.

I see the Senator from Alaska, the chairman of the Appropriations Committee, here. I have served on the House Appropriations Committee, and I know that budget resolution is your guide, your roadmap, for determining how much each department can be given in money. Does the President write the budget resolution? No. It is passed by the House, then the Senate. It is enacted by them as a resolution and not a law. The President doesn't even sign it.

What happened this year? We never passed a budget resolution. For the first time in 25 years we failed to pass a budget resolution. Was it the President's fault? Not at all. It was the fault of the House and the Senate. You see, the Senate passed its version of the budget resolution. When it went over to the House, they said, ''We think the surplus is so invigorating we want to give away $800 billion in tax cuts.'' Luckily, some Republican Senators—Democrats as well—said that is irresponsible and stopped it in its tracks, and that was the end of the discussion.

Then everything started piling up. We did not pass a budget resolution. We did not pass seven appropriations bills. In fact, you would need a bloodhound and a flashlight to find anything that we have done in the past year that we have been in session—with the exception of renaming Washington National Airport after President Reagan.

Here we are, 3 weeks into this new fiscal year, without a budget resolution trying to play catchup. We are fearful of another Government shutdown, because Congress has failed to meet its responsibility, and we are moving to try, in one vote in the House today and the Senate tomorrow, to correct the mistakes of a year with one bill: 4,000 pages, 25 pounds of documentation.

This Congress has failed to pass campaign finance reform, a bipartisan measure supported by the President—killed on the floor of the U.S. Senate. This Congress has failed to pass any effort to stop the tobacco companies from luring our children into addiction—another bipartisan effort, killed on the floor of the Senate. This Congress has failed to pass a Patients' Bill of Rights, reform of managed care so that all of us as patients have some rights to quality care when we go to see a doctor or to a hospital—killed on the floor of the Senate. We have failed to do anything to preserve the Social Security system beyond the year 2030, even though we have the wherewithal in this surplus to start speaking in specific terms about doing that. We have failed to pass the legislation proposed by my colleague, Senator CAROL MOSELEY-BRAUN of Illinois, to invest in 5,000 new and repaired schools across America to try to address the onslaught of children who will be coming into school, increasing the school population of our Nation and making certain that current schools have the technology to be able to teach our children as they should. We did not address that, either.

Literally in the closing days of negotiations, President Clinton came to the negotiators, to the Republican leaders, and said: This Congress will not leave town without doing at least one thing, one thing for education, but an important thing—reducing, on a nationwide basis, class size in grades kindergarten through 3 to no more than 18 students in a classroom. That is what the 100,000 teachers are about, so we have enough teachers so kids have the kind of attention they need at the earliest time in their educational development.

I happen to think that is one of the most important things we could do in our Nation. My wife and I raised three children. We are watching a little grandson grow up right now. You come to realize what early childhood development means. The biggest growth industry in America today is the construction of prisons. How many of those prisoners might have had a different life if they got off to a better start?

That better start could have been a better classroom experience, a better education.

When I asked the warden of a prison in Illinois recently about how many of the inmates there came to prison even close to any level of competency in education, he said fewer than half. Most people who show up in prison have little or no educational skills. It is part of their frustration. I won't make that as an excuse for committing a crime, but certainly you can understand the frustration and waste involved when we don't use education well.

President Clinton said to the negotiators, ''You won't leave town, you won't put together this bill unless and until you include at least one initiative for education in America.'' He pushed hard for it. He achieved it.

I am happy there is more money for Head Start. That is an excellent investment.

There is more money as well for the National Institutes of Health. On a bipartisan basis, we are increasing medical research by 14 percent—a smart thing to do.

The health insurance deduction for the self-employed is accelerated so they can be treated fairly, so small businesses and farmers get a fair share.

And there is agriculture relief which, to those of us in the Midwest, means a lot. In Illinois, the Dakotas, Minnesota, all across the Midwest, we face a crisis. Luckily, with the President's leadership, we increase the money in this bill to take care of it.

There are other things as well—food safety initiatives, which I support, and funding the IMF.

But there are things we failed to do. Can you believe we are still in a deadbeat status, the United States of America, when it comes to paying our United Nations dues? We were a few million dollars away from being disqualified in voting in the Security Council because we continue to stiff the United Nations year after year after year, an agency which we turn to, as President Bush did with the Persian Gulf war, as we do on a frequent basis, to try to promote peace in the world and to promote the goals of our foreign policy.

This Congress refuses to pay our dues. It is an embarrassment. We are a nation which calls on the world to meet its moral responsibilities, and yet we don't meet our moral responsibility in paying these dues. That is a disgrace, as far as I am concerned.

There are going to be things in this 4,000-page bill—I just learned of one. My friend, Senator BARBARA BOXER, got on the floor with me—and Senator WELLSTONE remembers the debate—and we talked about all the oil companies drilling for oil on publicly owned land, land owned by the taxpayers, and refusing to pay us a fair rental based on the cost of the oil.

We basically said to the Department of the Interior: Adjust that rate; make sure the taxpayers don't get cheated on this oil.

Guess what? A provision in this 4,000-page bill will cost the taxpayers 60 million bucks a year so these oil companies can continue to drill on our land that we own as a nation and refuse to pay a fair amount for drilling for that oil. Sound like welfare to anybody? Sounds like welfare to me, and it is in this bill. It is corporate welfare for a handful of the biggest oil companies, and it is shameful.

There are people who take the television stage and go on the shows and talk about, Where is the sense of outrage in America? Good question. They want to address that question as to one

person. I want to address it as to one bill of 4,000 pages. There should be a sense of outrage that this bill was promulgated in darkness, behind closed doors that literally no one has read, that includes gifts like the $60-million-a-year gift to the oil industry, and God knows what else. And here we are.

I said to the chairman of the Senate Budget Committee, ''If we don't need a budget resolution, why do we need a Budget Committee?'' Maybe we can start by saving money in the 106th Congress by eliminating the Budget Committee. We didn't need it this year because whatever we did certainly wasn't useful. It didn't produce a budget resolution which was so important for all of us.

There are provisions in here as well that touch people where they live: the whole question, for example, of home health care interim payments. There is a lot of concern, because so many seniors and disabled people rely on home health care. The current system needs to be changed. I will tell you, the so-called ''fix'' in this bill is no fix at all. We will have to revisit it. It is another failure of the 105th Congress, and that is troublesome to me and, I hope, to a lot of others.

Then, of course, we have this doomsday scenario in the bill which cuts off the spending for the Commerce Department, the State Department, the Justice Department and the judicial branch of Government as of June 15 of next year. So even with the 4,000-page bill, we are not appropriating enough money to fund those agencies for a year.

We are postponing, again, facing the reality of what needs to be done in this Nation. All of us who are elected to the House and Senate are entrusted with the responsibility to enforce and live by the Constitution and to meet the obligations of this country. This 105th Congress has failed to do that. The fact that we are even here on October 20, the fact that we are considering this mystery bill of 4,000 pages, still unread by most, the fact that we don't know what is included, we don't know what favors have been given to special interest groups or individuals and the fact that we are going to vote on this almost blindly within the next 24 hours is testimony to the fact that this Congress has accomplished little or nothing.

When the American people are asked, What did this Congress do this year, what did it achieve? they are at a loss for words.

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

Mr. DURBIN. I virtually am at the same loss today. I regret that. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just thank my colleague, Senator DURBIN, for his remarks. I think they were important. I hope we can translate what the Senator from Illinois had to say about this bill—not into action tomorrow because this is a conference report, there are no amendments, it is voted up or down—I hope it leads to some important changes in this legislative process.

I listened to my colleague from Illinois, and there are two points that he made that I want to build on. The first has to do with the way this was done. I really think it is not just a question of the people in the country, whether they be in Illinois, whether they be in Minnesota, whether they be in Idaho, Alaska or any other State. It is not just a question of people in this country saying, ''Listen, we want to have campaigns, not auctions; is there a way we can get this big money out of politics?'' But we didn't do anything in this Congress.

It is not just a question of people saying we are one of 43.5 million people with no health insurance, or we are elderly people who are paying a quarter of our budget for prescription drugs, or I am one of too many examples in the country where I was turned down for care that I needed by a kind of bottom-line medicine with insurance companies too much in control; isn't there any protection for me?

It is not just bad enough we didn't respond to any of that. It is not enough that this Congress did absolutely nothing, in spite of all of the hype and too many of the speeches that were given for children in America. I am convinced that the ultimate indictment of the failure of this Congress to do hardly anything positive for people in our country is the way in which we continue to abandon too many children in the country and devalue the work of too many adults who work with those children. For all the families that said to us, Is there some way that you can make child care more affordable for us; is there some way that we can make sure that when both of us have to work, there is good child care for our children, child care that we can afford?—our response was to do nothing.

It is not enough, Mr. President, that when it comes to the issue of living-wage jobs—which I think is going to become a bigger and bigger issue. Sometimes I fault my own party for continuing to talk about the number of jobs and the relatively low level of unemployment. But boy, I will tell you, when you add to the equation people who are only working part time because they can't find the full-time jobs, or when you add to the equation people who are working full time, 52 weeks a year, 40 hours a week and are still poor in America and still look for a raise for themselves, a decent wage, again, the response of our Congress was to do nothing.

I don't think that is the real issue that we are faced with here. I want to count myself as someone who is in profound disagreement with a Congress that basically has been a do-nothing Congress. I think that in the last several months out here on the floor, as a Senator who really believes in coming out here with amendments and trying to respond to people and really do something for people, it has been a little frustrating to have a process that is just not open and you are able to do that. I also understand the majority leader and some of what he has had to deal with.

Now we have a bill before us—I heard my colleague from Illinois say, I think, 25 pounds. I heard it weighs 40 pounds. Somebody will have to weigh it. It is 2 feet tall. That is a third of my height, if you want to believe that. Actually, not quite. I guess I can't get away with that. But it is 2 feet tall, roughly 40 pounds, and we haven't even seen it.

We have had staff that are now trying to evaluate it. Can you imagine? You have eight appropriations bills put into this piece of what Senator BYRD called ''this monstrosity,'' weighs close to 40 pounds, 2 feet tall, and we have hardly had a chance to look at it. And we are going to vote on it tomorrow.

And in all due respect to my colleague from Alaska, I want to be clear about it. At least in the time I have been here—and I am not just trying to make friends because, boy, if Senator STEVENS does not agree with you, he is out on the floor and he makes it clear what his position is—he is probably the best there is at getting things done here. It is amazing what he can put together. So I do not think it is a question of my colleague from Alaska.

But looking at this overall process, it is no wonder that people lose confidence in us. We have to do better. It is just unbelievable. It is not true that process does not matter. If this just looks like a bunch of behind-the-scenes deal making, with very few people kind of deciding what is in and what is out of a bill that is—how many pages?

Mr. DURBIN. Four thousand.

Mr. WELLSTONE. Four thousand pages. If ordinary citizens—which I mean not in a pejorative way, but in a positive way—have not the faintest clue of what is going on, and those of us supposed to be representing people have not been in a position to know what kind of decisions have been made, then it is no wonder that people say we do not believe in this.

I tell you, between what has happened with this bill and anonymous holds—which is another feature of this process that I really think we have to confront to take on where somebody can just put a hold on something or an individual judge, or whatever; and it is anonymous; and you never find out who it is—between that and conference committees where even if you pass an amendment in both bodies, the conference committee can take it out or something can be put in, I think we do have to do a lot better in this process. I think that should be at the top of the agenda in the next Congress.

Mr. President, I think that this bill—and as I speak, I do not even know how

I will vote on it. On one hand, it is like Fiddler on the Roof. It is certainly better than a Government shutdown. On the other hand, there are some important provisions in this bill. There are some things that are important that have been done. My colleague from Illinois talked about the strong position the President took and the strong leadership the President took on making sure that there are more teachers and how we can reduce class size in grades K through 3—critically important.

On the other hand, I do not really know all that is in this bill. I guess that puts you in a position of not necessarily voting—it is hard to vote for or against a bill if you do not really know what is in it. But I will tell you, some things I heard my colleague talk about—special deals for the oil industry, corporate welfare for the oil industry, and gosh knows what else has been put in this piece of legislation—makes me wonder, makes me wonder.

I say this, I think this bill—25 pounds, 40 pounds, 2 feet tall, several thousand pages—that we have not had a chance to review sort of represents our failure to deal with these appropriations bills, deal with this budget, have an open debate, have an accountable political process. And I think this bill that we are supposed to vote up or down on tomorrow—a conference report—represents the profound failure of this Congress to do well for people in Minnesota and people in the country. I think that is really what it is all about.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have been on the floor for all of about 15 minutes. And I have heard——

The PRESIDING OFFICER. Does the floor manager yield time?

Mr. STEVENS. How much time does the Senator seek?

Mr. CRAIG. Ten minutes.

Mr. STEVENS. I yield the Senator 10 minutes.

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

Mr. CRAIG. Let me thank the chairman of the Appropriations Committee for yielding time. I think he has probably been here on the floor, as I have, for the last few minutes to watch, at least by rhetoric, a very large piece of appropriations grow well beyond the dimension of reality, more into the dimension of hyperbole.

Let us talk about reality for a few moments, because I suspect that there is no Senator on this floor who will today or tomorrow express a great appreciation for the process under which we are now concluding this Congress—by the bringing together under an omnibus appropriations bill a variety of appropriations bills that should have been dealt with, one by one, on an individual basis.

That would have been the desire of every Senator on this floor. It would have also been the desire of every Senator on this floor, if we had not had 128 filed cloture motions in the last 4 years—cloture motions that were the result of the other side denying or filibustering given provisions of the process that ate up phenomenal amounts of time. That is not an excuse for anything. That is an expression that there is enough blame to go around for any of the process that gets criticized today by any Member who comes to this floor. It takes 60 votes in the Senate—if someone does not want the process to go forward, for that process to be denied to them—to require then the action on any given piece of legislation.

Time and time again, we were faced with the reality of having to file cloture. That is substantially more than was ever filed by Democrats because Republicans forced them to do that. It is the character of the difference—or should I say it is the character of the intensity of concern as it relates to the issues that came to the floor of the 105th Congress. I do not deny that. Those are facts. That is the reality of it.

I also say, if the measurement is a ''do-nothing Congress,'' you are darn right. We cannot take HMOs and turn the world of medicine upside down, as some of our colleagues on the other side wanted us to do.

We did not raise hundreds of billions of dollars of new taxes on middle America through a tobacco provision, as some of the folks on the other side of the aisle wanted us to do. And we did not take the right of free speech away from the average American in campaign finance reform, as most of our colleagues on the other side of the aisle wanted us to do.

If we did nothing on those things, we did a heck of a lot for the freedom of the average citizen in this country. And that is what ought to be the responsibility of this Congress: to make darn sure that we do not trample on the constitutional rights of our citizens. And that we did not do, over the loud cry and protest of our colleagues on the other side of the aisle.

Now, what did we do? Because the American public has the right to know what the 105th Congress did. Did we balance the budget? You bet we did.

In 1981, I introduced one of the first constitutional amendments to require a balanced budget on the floor of the U.S. House of Representatives. And the old dogs and the pundits at the time laughed and said, ''Freshman Congressman, not in your lifetime will you ever see a balanced budget. Deficit spending is the way we stimulate the economy of this great country. It's the way we give out pork. It is the way we buy political favor. And it won't happen in your lifetime, Congressman CRAIG''—at that time. ''You'll not see a balanced budget.''

Well, in 1994, the American people spoke. And they spoke in a way they had never before. And that was to change the Congress from Democrat and liberal to Republican and conservative. And not in 10 years, and not in my lifetime—but in 4 years the budget is balanced. And what we are debating here is an appropriations process that balances the Federal budget and still leaves $60 billion, or near that, in surplus, to deal with the strengthening and saving of Social Security, and also to deal with some of the emergency expenditures that the White House said were absolutely necessary and that most of us agreed with.

So criticize, if you will—and in any bill this big there is a world of criticism, if you want to be selective—but if you want to look at the biggest picture of all, and that is a fiscal policy in our country and a monetary policy that have meshed to bring one of the strongest economies in the history of the world together into the robust character that it is, then you ought to look at that. And that is called a balanced budget, that is called denying this President his $150 billion tax increase, and leaving more money in the pockets of the average citizens in our country, and especially the lower middle income working Americans. And that was not a Democrat Congress that did it; it was a Republican Congress.

I am proud of that. If the Democrats want to call that a do-nothing Congress, then please call it what you think it is, but tell the truth. We don't get it from the White House; we don't get it from the President.

We understand the reality of the work we do. The reality of the work we do—whether we like the process at hand —is that the budget is balanced, our Nation is in surplus, we will strengthen Social Security, and we didn't raise taxes on the backs of the American people. There isn't an economist in the world today who doesn't say if it wasn't for the U.S. economy, the world would be in a major recession, but it is because of the strength of our fiscal policy and our monetary policy combined that drives this great economic engine that has more Americans working than at nearly any time in modern history.

What about the problems in the farmlands of America in agriculture? Many of my colleagues went home in August, like I did, to talk to our farmers, and found our farmers not in recession but in depression. Nearly every commodity price was at or below break even, and many of them were well below break even. We had tried to respond in June and July in a very bipartisan way. We came back in August, dedicated to responding more, and we did. Democrat and Republican joined alike.

Now, we had a difference in philosophy. But in the end, we came together with tremendous benefit for production agriculture —both short term, cash-in-the-pocket to the farmer to pay his banker and to pay for his seed and fertilizer costs and, hopefully, to put food on the table for his family and to get ready to farm for next year.

We also did something else. We said what we are doing is short term; let's do some long-term good. Let's do what we promised American agriculture we would do when we passed the 1996 farm policy known as Freedom to Farm. Let's give them some permanent management tools to assure that they can strengthen their economic well-being. We did that in this bill, in this bill that some of our colleagues say they will want to vote against because they haven't read the fine print.

Permanent income averaging, accelerated 100-percent reduction for self-employed health care insurance premiums for both agriculture and small business—the same thing that big business has to write off their health care costs. Good management, good business. You are darn right it is. We offered it to them. We have also allowed them to reach back and pick up losses to carry forward, a tremendous help to production agriculture. I am proud of that. I think we ought to be because it was a promise made and a promise kept.

We also dropped a couple of sanctions that were denying us the ability to sell some of our product in world markets, with the pledge from our chairman of the Senate Agriculture Committee that will do even more of that next year. That was all done in a bipartisan way. We can pick around the edges and we can criticize the process, and my guess is there is lots of room for that.

As a conservative, I am as much a critic of that as anyone. But I am also a realist. I am proud of a balanced budget and I am proud we have a surplus. I am excited that the surplus goes to strengthen Social Security and pay down our debt. And I am pleased that in a real sense we were able to address the problems of American agriculture. I am pleased that in a real sense we were able to address the problems of people who had lived in a crisis because of Mother Nature, and we responded to that.

I also recognize that my colleagues on the other side of the aisle had a lot of heavy lifting to do when it came to trying to represent this White House. They wanted to talk about saving Social Security, yet the President never sent up one bill to address the Social Security problem. They wanted to rail on about taxes and teenage smoking, yet the President did not send up one bill to deal with it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. I ask unanimous consent that the time allocated to Senator GREGG be vitiated, and I yield the Senator from Idaho the time reserved for Senator GREGG.

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

The Senator from Idaho.

Mr. CRAIG. I thank my chairman for yielding.

What I have talked about is the reality of the 105th Congress. Will it go down as a do-nothing Congress? Not if you read the facts. If you get caught in the political rhetoric and listen to it, you might be swayed a bit. But if you like balanced budgets, if you don't like to pay more taxes, if you don't want the Federal Government telling you what to do in a variety of areas—including health care—if you want to make sure that we develop and strengthen Social Security and provide for the future of our young people, if you want to assure us that you will work with us as taxpayers to keep the American food supply whole, then you would say that this Congress did something.

Now, let me, for just a moment, talk about some of what we ought to do when we get back. There will be a new Congress. It will convene in January. It will be called the 106th. There is no question in my mind that we ought to address change. The rules of the Senate that we operate under today were not written by this Senator. They were, in large part, by Senators from the other side of the aisle. I, and other Senators on this side of the aisle, have not had the votes to change those rules. Some of those rules ought to change. Why should we take 60 votes to lower taxes? Why should we penalize ourselves for wanting to return money to the American people? We shouldn't. It only takes 51 votes to spend money; why should it take more than that to deny Congress the right to spend? Those are some changes that we ought to make.

What we saw in this process in the last couple of weeks is something that I don't enjoy. The legislative and the executive branches are coequal branches of Government, but our budget and our appropriations process didn't work the way we wanted it to work. We could never engage the White House until they chose to be engaged. You heard on this floor, and it was a fact of life, that our President spent most of the year out of town. I am confident it wasn't too comfortable in the Oval Office because he spent most of his time out of town either in foreign countries or raising money for his colleagues. It wasn't until the last 3 weeks that we finally got his attention. It was only in the last 2 weeks that the White House finally came to the Hill to negotiate. That isn't the way it ought to be but that is the way it was.

Did the President get some of what he wanted? Yes, he did. Did he get all of what he wanted? Absolutely not. In fact, he got little of what he wanted.

All you hear about the President's gains are 100,000 teachers. I don't mind spending money for 100,000 teachers as long as it is under a formula where 30 percent of it doesn't stay in Washington to fund the Department of Education; in this instance it doesn't. It is block granted, in large part, back to the States and the local educational units. I don't think that is a Democrat idea. I think that is a Republican idea. I am proud of that. I think most of our colleagues, when they look at it, will be.

We did something else that this President did not want. We put more money into defense. In 1986, after 6 years of voting for every defense budget from 1981 forward, I quit voting for defense and started voting against it because I thought we spent too much money. Four years ago, I, once again, started voting for defense appropriations at a time when our President wouldn't own up to the fact that he was sending our troops everywhere around the world and pulling that defense money from current operating budgets and depleting our readiness and denying our soldiers the kind of environment and lifestyle that I think they all deserve.

Finally, this Congress and this negotiation process in the last 2 weeks said, ''Mr. President, we are going to stop it whether you want to or not. We cannot deny our military its readiness if you are going to use it as a police force running all around the world.'' And we put in more money.

That process shouldn't have happened in a small room with a few negotiators, but it did. By the way, it wasn't in the dark of night; and by the way, the room wasn't closed. But by the character of where this White House caused us to go, that is ultimately how the process got conducted, with fewer than the whole process and fewer than all of those who should have been there.

We have our work to do in the coming year, and I hope we can make some reforms. I am one that would like to see us streamline this process a good deal more and change some of the rules that allow for a more predictable outcome. But in the end, I am not going to be one standing on the street corner trying to beckon attention to the fact that the 105th Congress was some Congress that did nothing. We didn't do a lot of what some of our liberal colleagues wanted, and that is probably why they yell out today. We did not address the White House agenda in so many areas; we did not tax middle America; we did not take away flexibility from health care recipients; nor did we handcuff the provided.

Most importantly, we balanced the budget. We left a surplus. We are directing it at Social Security. I believe that is a hallmark, and I think the 105th Congress can be credited with doing more for the American economy and more for the working people of our country by keeping them employed in good, high-paying jobs and not taking more out of their pocket than any other Congress in history. That is a record I will stand by. That is a record I think most of our colleagues will want to stand by. If you believe as I do, then I think you ought to vote ''yes'' tomorrow—''yes'' on an appropriations process that is finalized, with all of those hallmarks of accomplishment and success and a balanced budget, and an economy that is strong, and a work force in America that is working, and a sense of security and well-being that

has not been felt in decades. I am proud of that, and I credit the 105th Congress for delivering it.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, am I to be recognized for 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, the 105th Congress is limping to a close, and I listened to my colleague from Idaho who, incidentally, I think is a good legislator and does good work in this Chamber. He is someone with whom I am pleased to work on a wide range of issues, including agricultural issues.

But I must say that I have a different view of the 105th Congress. Abraham Lincoln once said, ''Die when I may. Let it be said by those who know me best that I always picked a thistle and planted a flower where I thought a flower would grow.''

Let me talk for a minute about thistles and flowers. There is apparently a 4,000 page bill lying in state—Lord knows in what room; I guess it's over here in 224. I heard the previous speaker from Minnesota say it was 40 pounds. I expect that is a guess because he probably didn't weigh it. I guess that the Presiding Officer, the Senator from Minnesota, and most other Senators here have not read it. It is a process that results in a lot of concern here in the Congress. There are 4,000 pages on display.

The whole country is moving toward miniaturization and we are going in exactly the opposite direction. On the final day of the legislative session, we are going to have a 4,000-page bill—a third of the Federal budget—presented in the Senate, and we are told to vote up or down on this. ''We assume you have read it, even though we know you just got back into town.''

Let me talk about a thistle for just a minute. In this piece of legislation is a provision called section 1005 of the Revenues and Medicare part of the Omnibus Bill, which contains the so-called Subpart F Active Financing Provisions. Now, there might be a couple of Americans who are intimately familiar with Subpart F of the Tax Code and its Active Financing Provisions—but not many. These provisions were added at a time when I spent a lot of time on this floor trying to get some money for the construction of Indian schools, for the Ojibwa School that is falling apart. Kids are walking between trailers in the winter with howling winds blowing and are going back and forth to trailers. These are conditions that every study says are unsafe, but you can't get money to improve these conditions; there's not enough money. Or the Cannonball School, where a little girl named Rosie said to me, ''Mr. Senator, will you buy us a new school?'' There are 150 kids there, and there's only one water fountain and two bathrooms. One of the rooms those kids study music in stinks of sewer gas once or twice a week and they have to vacate the room. Half of the school has been condemned. But there's no money for that little girl and her classmates. We just can't afford it.

But let me tell you what we could afford. Stuck somewhere in the 4,000 pages, deep in the bowels of that carcass, are lucrative Subpart F Active Financing Provisions. This means $495 million of revenue loss to our Government, and an enormous tax windfall to a select group of large multinational financial service businesses. It says to them, in effect, that we provide an incentive in our Tax Code for them to take their businesses—and the jobs they provide—overseas. This bill not only extends this misguided incentive for one additional year at a cost of $260 million; it also makes matters worse by expanding it by another $235 million, despite strong opposition from the Treasury Department. It is now a $495 million gift to say to the financial services industry of this country: Move overseas, hire foreign workers, take your business and jobs elsewhere and we will give you a large tax cut for doing it. What a terrible thing to do, at a time when we don't have money to do the important things here. We are told, gee, there is plenty of money for somebody to slip somewhere in the middle of those 4,000 pages for a special little deal for some very big taxpayers who want to do business elsewhere and get paid for it. Bob Wills of the Texas Playboys talked about this in the 1930s: ''The little bee sucks the blossom and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money.''

Why is it that every time you turn around here and reach into 4,000 pages, you find something like this? This is just one example. You talk about absurdity at a time when we're told that our priorities aren't affordable. You can't invest in the Cannonball or Ojibwa School; there's not enough money. But there is plenty of money for the big shots.

Let me talk for just a minute about how we got to this point. The Senator from Idaho talked about it at some length. While I disagree with some of his conclusions, I think most people would view this process—coming to the end stage of this Congress with 4,000 pages to be voted on in one vote, with a third of the Federal budget appropriated in one large piece of legislation—as a terrible legislative practice. Does anybody think that makes sense? Instead of passing the bills as they should be passed by Congress, where they can be debated and amended, you put them all in a big package at the end so that you just have one vote. It is just a lot more convenient. That way you don't have to amend and debate all these things.

Does anybody think that is a good idea? I don't. I think it is a terrible idea. How did this start? On April 15, the law requires that Congress pass a budget. That is what the law requires. It says Congress must pass a budget. This Congress said, no, we have decided not to pass a budget. We have a bunch of folks that are feuding, so we will decide not to pass a budget at all. Then they decided that because we can't agree on a budget, we just won't pass all of our appropriations bills. So they stagger to the end of the 105th Congress, having no budget, few completed appropriations bills, and they create this 4,000-page mountain. Then you have a bunch of folks who say: If there is going to be a pile here, let me stick something in the pile. So the pile grows.

And here we are. I don't happen to think that this is just one party's fault. I agree with the Senator from Idaho on that point, although I reject his implication that somehow the Democratic Members were hindering the business of the Senate and therefore, cloture motions had to be filed. That is not true at all.

In fact, I can tell you example after example after example when a bill is brought to the floor, and before there is any debate—and certainly before there are any amendments—cloture motions are filed at the desk to say, ''No, we haven't had any amendments yet, but we want to foreclose amendments; we want to shut off debate.''

What kind of practice is that? That doesn't make any sense. That is impeding work of the Senate. That is saying we want to have a legislative body in which there is supposed to be debate, and we want to cut off debate. We don't want debate. We don't want you to offer your amendments. We think our legislation is so good that no one can improve it, and, by the way, you have no right to offer amendments. That is what these cloture motions are about.

With respect to the question of where we are and the balanced budget that was mentioned by one of the previous speakers, there is no question that both parties contributed to a better fiscal policy. But it started in 1993 with a piece of legislation proposed by this President that was unpopular. I voted for it. The easiest thing would have been to vote no. It passed by one vote here in the Senate and one vote in the House and became law. It began the long trail towards stable fiscal policy and getting rid of the Federal budget deficit.

When we cast that vote, the expectation that year was a $290 billion Federal budget deficit; completely out of balance. We were told by some on the other side of the aisle, if you do this, you are going to wreck this country's economy; if you do this, you are going to throw this country into a recession; if you do this, you will kill jobs. You will throw this country into a depression, we were told. Well, we did it, because the American people understood the fiscal policy we were on. They understood that the road we were traveling was destructive to this country's

interest. They wanted us to make the tough choices. And we did.

Guess what? We have wrestled that budget deficit to the ground. We now have a budget that is very close to being in balance. We now have an economy that is growing. Inflation is almost gone. Home ownership is the highest in 30 years. Unemployment is down, down—way down. Things are better in this country.

Starting in 1993, when the American people saw that Congress was willing to make tough choices, we did it alone. There was not one vote from the other side of the aisle. But I will say this: The Republican Party has helped after that 1993 vote. They also provided some assistance with a fiscal policy that is better for this country, and we ought to have more of that. We ought to have more bipartisanship and more cooperation to do the right things for this country's future.

The difference is, it seems to me, that a product of debate ought not be about aggregate fiscal policy, but rather about priorities. What represents the priorities for our country's future? What should we do that is important?

Again, I think where I would disagree with some previous speakers is that doing nothing ought not be a badge of honor when the agenda of this country cries out to do something to address critical needs. We should have done something on managed care reform. We should have said to HMOs in this country, you must tell patients all of their medical options for treatment—not just the cheapest. You must do that. You must provide reimbursement for emergency care when someone shows up at an emergency room.

I told the story—there are stories that go on forever—of a woman who broke her neck, comes to an emergency room unconscious, and is told later, ''We will not reimburse you for the emergency room stay because you didn't have prior approval.''

Those are the kinds of things that have been going on in managed care in the name of saving money, but actually degrade and diminish health care standards. This Congress certainly should have addressed this issue. Doing nothing is not a badge of honor on this issue of managed care reform.

Certainly, it is not a badge of honor that we weren't able to pass FAA reform. We should have done that. That piece of legislation included an amendment of mine that would have substantially changed the way the major airlines have to connect with regional jet carriers. And we would have more regional jet carriers in this country, more competition and lower prices for airfares had we passed that piece of legislation. I regret that it was not done.

Let me also mention the issue of family farmers and the farm crisis in our part of the country. I know there is a difference of philosophy about this. But there ought not be.

If this country wants family farmers in its future, it ought to decide that when prices collapse it is going to have to help build a bridge across those price valleys, because, if not, the family farmers won't get across the valley. They will just wash out and be gone. And we will have corporate farmers farming America from the west coast to the east coast, and we will still have crops growing. There will just be no people living out on the land. And this country will have lost something important.

We did something at the end of this session. We reached some bipartisan agreement on an emergency package. But it wasn't enough. It was nearly $2 billion short of what the President requested, nearly $3 billion short of what the commissioners of agriculture and the Farm Belt said was necessary to address this farm crisis. We will be right back in this set of circumstances in January, February and March as farmers begin to consider spring planting.

With respect to the agriculture package, we did get nearly $1 3/4 billion more because we fought and because we did accept the admonition of some to take what they are willing to give you and quit. There was $100 million more for the family farmers of my State. Is that important? Yes. Some will survive. Some who would not have survived without it will survive to be able to continue farming in the future.

I have mentioned a couple of times the letter from a young boy named Wyatt in North Dakota, a sophomore in high school, the son of a family farmer who wrote to me, and said, ''Mr. Senator, my dad can feed 180 people, and he can't feed his family.'' This young boy wanted to know what kind of a system allows that to happen. This country needs to do better by family farmers.

I was impressed that we could work together on a bipartisan basis toward the end of this session. I hope we can do the same at the start of the next session to address many of these issues.

Let me complete my comments.

There are so many issues in this omnibus appropriations bill. One of them is an issue that I have worked on with the Senator from Alaska, Senator STEVENS, and Senator BYRD, that will create a trade deficit review commission. The reason I mention this is because today the new trade deficit numbers were released for this month. It shows a $2 billion increase, the largest trade deficit in the history of this country, the largest trade deficit in the history of human kind. We have wrestled the fiscal policy budget deficit to the ground, and our trade deficit is swelling and growing, and we need to do something about it. This omnibus package will include a requirement that a trade deficit review commission be established, and that recommendations will be made to Congress on how to deal with those issues. I hope the Congress will be able to take some steps early in the next session of Congress to respond to that issue.

Mr. President, let me conclude by saying that I hope we will never again be confronted with this circumstance at the end of a Congress. I understand that at the end of Congress there is wrap-up. Sometimes a bill or two doesn't get passed. Sometimes you wrap one or two bills into a package. But this is not a good way to legislate.

It is, in my judgment, subverting the legislative process—the regular order of bringing bills to the floor so we have open debate and amendments, when at the end all of these things are put into one large package, and we are told to just read it, think about it, and then vote on it.

I don't think that is the best that this Congress can offer the American people. I hope this will be the last chapter of this kind of congressional action, or lack of it.

Mr. President, finally, the chairman of the full Appropriations Committee is on the floor. I thank him for his work.

I have not been complimentary of the process, but I know Senator STEVENS and Senator BYRD and their staffs, and many others, have spent an enormous amount of time trying to put this package together simply because the Congress did not get its work done during the year. I compliment them for their work to try to do that. I know, especially from a staff standpoint, what kind of effort and time was required to get this to this point.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator for his comments concerning Senator BYRD and myself. I do want to emphasize just a few things as we close.

In this year, the Appropriations Committee has tried very hard to move forward as quickly as possible to get bills before the Senate as early as possible so that this would not happen.

I wish to place in the RECORD a status of appropriations bills in the second session of this 105th Congress. It shows, and I have circled—and I hope in the RECORD they will highlight those dates circled—the days that the Appropriations Committee first brought to the Senate's attention its work product of the 13 subcommittees that deal with appropriations measures. They were all in June and July, with the exception of one bill, Labor, Health and Human Services, which was brought first to the Senate's attention on September 1 when we held the full committee meeting and reported the bill to the Senate on September 3. This was because of the illness of one of our colleagues. But all of these bills were available for the Senate to act on and for the Congress to act on very early.

This also shows the action by the House committee under Chairman LIVINGSTON—probably one of the earliest periods in history when all of the bills were completed, except one to bring before the House, and the delay has not

been the delay of the appropriations process; but it has been caused by the process of handling those bills once they were reported to the House and Senate.

I decry the process also, as so many people have here today, but I am not ashamed of the work product. I have signed my name to the work product, as Chairman LIVINGSTON has, and a majority of both of our committees has endorsed these bills to be reported to the House and Senate.

We are still the largest military power in the world, the last superpower in the world. We have added $7.5 billion so the men and women who serve us in uniform can be fully equipped, they can be assured we are trying to get them the best systems available, and we are doing our best to restore the lifestyle we believe a person should be able to lead in the uniform of the U.S. military.

We have not been able to handle one basic problem, and that is the problem over the pension system. I hope that the Armed Services Committee early next year will address that problem and that we can present in the first bills brought out to the floor by the Appropriations Committees money to fund the restoration of a pension system that is adequate and is an incentive to people to stay in uniform and particularly to use the skills they have developed as members of the armed services in our defense.

Mr. President, this is a good bill. I know a lot of people are going to vote against it for one reason or another, but I hope that the public understands, while this is the largest bill to ever be presented, it is large because it contains eight separate bills plus three supplemental appropriations bills. It contains really 11 appropriations bills. The total adds up to almost $1/2 trillion. It is large in the sense of spending, but we do spend a lot of money as a large Government, and we have kept these bills to the minimum in terms of the appropriations process. These negotiations that we have been talking about added $20 billion to that total—plus $20 billion.

I do believe that the bill is a good one, and I urge our colleagues tomorrow to vote for it.

I ask unanimous consent that the ''Status of Appropriations'' be printed in the RECORD.

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

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS

[As of October 17, 1998]

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Subcommittee	Full committee	Floor	Subcommittee	Full committee	Floor			
Veto override of a bill disapproving the military construction cancellations.	H.R. 2631[1]				Feb 5			Feb 25			105–159
1998 supplemental emergency appropriations.	H.R. 3579			Mar 24	Mar 31			Mar 31[2]	Apr 30	May 1	105–174
	H. Rpt. 105–469	Mar 27							H: Apr 30 S: Apr 30		
1998 supplemental appropriations.	H.R. 3580			Mar 24							
	H. Rpt. 105–470	Mar 27									
1998 supplemental appropriations for natural disasters and peacekeeping..	S. 1768						Mar 17	([3])			
	S. Rpt. 105–168	Mar 17									
1998 International Monetary Fund	S. 1769						Mar 17	([4])			
	S. Rpt. 105–169	Mar 17									
Agriculture and Rural Development 1999.	S. 2159					**Jun 9**	Jun 11				
	S. Rpt. 105–212	Jun 11									
	H.R. 4101		Jun 10	Jun 16	Jun 24			Jul 16[5]	Oct 2	Vetoed[6]	
	H. Rpt. 105–588	Jun 19							H: Oct 2	Oct 8	
	H. Rpt. 105–763	Oct 2							S: Oct 6		
Commerce, Justice, State, and Judiciary 1999.	S. 2260					**Jun 23**	Jun 25	Jul 23			
	S. Rpt. 105–235	Jul 2									
	H.R. 4276		Jun 24	Jul 15	Aug 6			Aug 31[7]			
	H. Rpt. 105–636	Jul 20									
Defense 1999	S. 2132					**Jun 2**	Jun 4				
	S. Rpt. 105–200	Jun 4									
	H.R. 4103		Jun 5	Jun 17	Jun 24			Jul 30[8]	Sep 23	Oct 17	.....
	H. Rpt. 105–591	Jun 22								H: Sep 28	.....
	H. Rpt. 105–746	Sep 25							S: Sep 29		
District of Columbia 1999.	S. 2333						**Jul 21**				
	S. Rpt. 105–254	Jul 21									
	H.R. 4380		Jul 24	Jul 30	Aug 7						
	H. Rpt. 105–670	Aug 3									
Energy and Water Development 1999	S. 2138					**Jun 2**	Jun 4	Jun 18			
	S. Rpt. 105–206	Jun 5									
	H.R. 4060		Jun 10	Jun 16	Jun 22			Jun 23[9]	Sep 24	Oct 7	105–245
	H. Rpt. 105–581	Jun 16							H: Sep 28		
	H. Rpt. 105–749	Sep 25							S: Sep 29		
Foreign Operations 1999	S. 2334						**Jul 21**	Sep 2			
	S. Rpt. 105–255	Jul 21									
	H.R. 4569		Jul 15	Sep 10	Sep 17						
	H. Rpt. 105–719	Sep 15									
Interior 1999	S. 2237					**Jun 23**	Jun 25				
	S. Rpt. 105–227	Jun 26									
	H.R. 4193		Jun 18	Jun 25	Jul 23						
	H. Rpt. 105–609	Jul 8									
Labor, HHS, Education 1999	S. 2440					**Sep 1**	Sep 3				
	S. Rpt. 105–300	Sep 8									
	H.R. 4274		Jun 23	Jul 14							
	H. Rpt. 105–635	Jul 20									
Legislative Branch 1999	S. 2137						**Jun 4**				
	S. Rpt. 105–204	Jun 5									
	H.R. 4112		Jun 10	Jun 18	Jun 25			Jul 21	Sep 18		
	H. Rpt. 105–595	Jun 23							H: Sep 24		
	H. Rpt. 105–734	Sep 22							S: Sep 25		
Military Construction 1999	S. 2160						**Jun 11**				
	S. Rpt. 105–213	Jun 11									
	H.R. 4059		Jun 10	Jun 16	Jun 22			Jun 25[10]	Jul 23	Sep 20	105–237
	H. Rpt. 105–578	Jun 16							H: Jul 29		
	H. Rpt. 105–647	Jul 24							S: Sep 1		
Transportation 1999	S. 2307					**Jul 8**	Jul 14	Jul 24			
	S. Rpt. 105–249	Jul 15									
	H.R. 4328		Jul 16	Jul 22	Jul 30			Jul 30[11]			
	H. Rpt. 105–648	Jul 24									
Treasury and General Government 1999	S. 2312						**Jul 14**				
	S. Rpt. 105–251	Jul 15									
	H.R. 4104		Jun 11	Jun 17	Jul 16			Sep 3[12]	Oct 1		
	H. Rpt. 105–592	Jun 22							([13])		
	H. Rpt. 105–760	Oct 1							Oct. 7		
	H. Rpt. 105–789	Oct 7							H: Oct 7		
VA, HUD, and Independent Agencies 1999	S. 2168					**Jun 9**	Jun 11	Jul 17			
	S. Rpt. 105–216	Jun 12									
	H.R. 4194		Jun 18	Jun 25	Jul 29			Jul 30[14]	Oct 1		
	H. Rpt. 105–610	Jul 8							H: Oct 6		
	H. Rpt. 105–769	Oct 5							S: Oct 8		
Continuing Resolution 1999 (to October 9)	H.J. Res. 128				Sep 17			Sep 17	([15])	Sep 25	105–240
Further Continuing Resolution (to October 12).	H.J. Res. 133				Oct 9			Oct 9	([15])	Oct 9	105–249

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS—Continued

[As of October 17, 1998]

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Subcommittee	Full committee	Floor	Subcommittee	Full committee	Floor			
Further Continuing Resolution (to October 14).	H.J. Res. 134				Oct 12			Oct 12	[15]	Oct 12	105–254
Further Continuing Resolution (to October 16).	H.J. Res. 135				Oct 14			Oct 14	[15]	Oct 14	105–257
Further Continuing Resolution (to October 20).	H.J. Res. 136				Oct 16			Oct 16	[15]	Oct 16	105–
Fiscal year 1998 revised 302(b)	S. Rpt. 105–271	Jul 28									
Fiscal year 1999 302(b)	S. Rpt. 105–191	May 14									
Fiscal year 1999 latest 302(b)	S. Rpt. 105–382	Oct 8									

[1] H.R. 2631 was vetoed on November 13, 1997.
[2] Senate passed H.R. 3579 after substituting the text of S. 1768 as read a third time on March 26.
[3] On March 26, S. 1768 read a third time, text was subsequently incorporated in H.R. 3579.
[4] Substance of S. 1769, as reported, was incorporated in modified form in S. 1768. On March 26, a unanimous consent agreement was entered that when the Senate receives the House companion measure making supplemental appropriations for the International Monetary Fund (IMF), that all after the enacting clause be stricken and the text of the IMF title of S. 1768 be substituted and the bill pass.
[5] Senate passed H.R. 4101 after substituting the text of S. 2159 as read a third time on July 16.
[6] Veto message (H. Doc. 105–321) referred to House Committee on Appropriations on October 8.
[7] Senate passed H.R. 4276 after substituting the text of S. 2260 as passed.
[8] Senate passed H.R. 4103 after substituting the text of S. 2132 as read a third time on July 30.
[9] Senate passed H.R. 4060 after substituting the text of S. 2138 as passed.
[10] Senate passed H.R. 4059 after substituting the text of S. 2160 as read a third time on June 25.
[11] Senate passed H.R. 4328 after substituting the text of S. 2307 as passed.
[12] Senate passed H.R. 4104 after substituting the text of S. 2312 as read a third time on September 3.
[13] House recommitted conference report on October 5.
[14] Senate passed H.R. 4194 after substituting the text of S. 2138 as passed.
[15] Passed Senate without amendment.

Mr. STEVENS. I ask unanimous consent it be in order to ask for the yeas and nays.

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

Mr. STEVENS. I ask for the yeas and nays on this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield back the remainder of the time that has been allocated to the Senator from West Virginia and myself.

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

Mr. STEVENS. Mr. President, that closes debate on this bill.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 164

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 19, 1998, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1998.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1998.*

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 16, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1773. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in federal means-tested public assistance programs, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D.Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 83. Concurrent resolution remembering the life of George Washington and his contributions to the Nation.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the ''Eney, Chestnut, Gibson, Memorial Building.''

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

The message further announced that pursuant to the provisions of section 168(b) of Public Law 102–138 and clause 8 of rule I, the Speaker appoints the following Members of the House to the British-American Interparliamentary Group: Mr. BEREUTER, Mr. REGULA, Mr. BOEHLERT, Mr. BATEMAN, Mr. GILLMOR, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BLUNT, Mr. SISISKY, Mr. PICKETT, Mr. WISE, and Mr. TANNER.

The message also announced that the House has agreed to the resolution (H.

Res. 601) that the bill of the Senate (S. 361) entitled the ''Rhinoceros and Tiger Conservation Act of 1998,'' in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and enrolled joint resolution:

H.R. 2431. An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed subsequently on October 16, 1998, during the recess of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mr. Keleher, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1467. An act to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest.

H.R. 3972. An act to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the Outer Continental Shelf.

H.R. 4572. An act to classify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

H.R. 4829. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

H.R. 4831. An act to temporarily reenact chapter 12 of title 11 of the United States Code.

H.J. Res. 137. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910.

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, with an amendment.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 137. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

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

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 20, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 700. An act to remove the restriction on the distribution of certain revenue from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1274. An act to authorize appropriations for the National Institutes of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1702. An act to encourage the development of a commercial space industry in the United States and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

H.R. 1853. An act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 2370. An act to amend the Organic Act to Guam to clarify local executive and legislative provisions in such act, and for other purposes.

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

H.R. 2616. An act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 2675. An act to provide for the Office of Personnel Management to conduct a study and submit a report to Congress on the provision of certain options for universal life insurance coverage and additional death and dismemberment insurance under chapter 87 of title 5, United States Code, to improve the administration of such chapter, and for other purposes.

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation contracts in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2807. An act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on

the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advise concerning the development and implementation of the Next Generation Internet program and to report to the President and the Congress on its activities, and for other purposes.

H.R. 3494. An act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3687. An act to authorize repayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 3874. An act to amend the National School Lunch Act and Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

H.R. 3903. An act to provide for an exchange of lands near Gustavus, Alaska, and for other purposes.

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4151. An act to amend chapter 47 and title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

H.R. 4293. An Act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

H.R. 4655. An act to establish a program to support a transition to democracy in Iraq.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

H.R. 4679. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstance in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the ''Justice John McKinley Federal Building.''

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

S. 2240. An act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made top the town of Pinetop-Lakeside or is authorized by act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolutions were signed subsequently on October 20, 1998, during the recess of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED ON OCTOBER 16, 1998

The Secretary of the Senate reported that on October 16, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 1892. An act to provide that a person closely related to a judge of court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problems, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

ENROLLED BILLS PRESENTED ON OCTOBER 20, 1998

The Secretary of the Senate reported that on October 20, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the ''Justice John McKinley Federal Building.''

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

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–7536. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of five rules: ''Suspension of Community Eligibility'' (Docket FEMA–7696), ''List of Communities Eligible for the Sale of Flood Insurance'' (Docket FEMA–7695), ''Changes in Flood Elevation Determinations'' (2 rules), and ''Final Flood Elevation Determination'' received on October 15, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7537. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of a proposed refund of offshore lease revenues under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–7538. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the Foundation's report under the Federal Managers' Financial Integrity Act and the Inspector General Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC–7539. A communication from the Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program; Improving Carrier Performance; Conforming Changes'' (RIN3206–AI16) received on October 15, 1998; to the Committee on Governmental Affairs.

EC–7540. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Withdrawal of Final Rule'' (FRL6178–2) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7541. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Texas: Recodification of Regulations to Control Lead Emissions from Stationary Sources'' (FRL 6160–2) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7542. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors; Withdrawal of Final Rule'' (FRL 6040–1) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7543. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes'' (Docket 98–CE–58–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7544. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Meade, KS'' (Docket 98–ACE–43) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7545. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ottumwa, IA'' (Docket 98–ACE–27) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7546. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Clinton, IA'' (Docket 98–ACE–26) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7547. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Denison, IA; Correction'' (Docket 98–ACE–29) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7548. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes'' (Docket 96–CE–54–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7549. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada PW100 Series Turboprop Engines'' (Docket 97–ANE–33–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7550. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments—No. 1894'' (Docket 29358) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7551. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments—No. 1893'' (Docket 29357) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7552. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 Series Airplanes'' (Docket 98–NM–59–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7553. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney Model JT9D–70 Engines'' (Docket 97–NM–185–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7554. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes'' (Docket 98–NM–190–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7555. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–33–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7556. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–32–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7557. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Abatement of State Waters for Private Aids to Navigation in Wisconsin and Alabama'' (RIN2115–AF50) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7558. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia'' (RIN2115–AE47) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7559. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA'' (RIN2115–AE97) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7560. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Port of Guanica, Puerto Rico'' (RIN2115–AA97) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7561. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Repeat Intoxicated Driver Laws'' (RIN2127–AH47) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7562. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Rural Housing Enforcement Improvement Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7563. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salary Offset'' (RIN1510–AA70) received on October 14, 1998; to the Committee on Governmental Affairs.

EC–7564. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation regarding the treatment of bonds issued to finance electrical output facilities; to the Committee on Finance.

EC–7565. A communication from the Acting Assistant Secretary of Defense for Force Management Policy, transmitting, pursuant to law, the Department's interim report on the payment of claims to certain persons captured and interned by North Vietnam; to the Committee on Armed Services.

EC–7566. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Interim Procedures for Certain Health Care Workers'' (RIN1115–AE73) received on October 14, 1998; to the Committee on the Judiciary.

EC–7567. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Florida'' (FRL6167–4) received on October 16, 1998; to the Committee on Environment and Public Works.

EC–7568. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated October 15, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Energy and Natural Resources.

EC–7569. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Addition of Regulated Area'' (Docket 98–082–2) received on October 19, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7570. A communication from the Secretary of Defense, transmitting, notice of a routine military retirement; to the Committee on Armed Services.

EC–7571. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's report entitled ''Management of the Supplemental Security Income Program: Today and in the Future''; to the Committee on Finance.

EC–7572. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of U2 Self-Propelled Howitzers to Singapore (DTC 130–98); to the Committee on Foreign Relations.

EC–7573. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General's reports to Congress on the Administration of the Foreign Agents Registration Act for calendar year 1997; to the Committee on Foreign Relations.

EC–7574. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule'' (FRL6178–8) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7575. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure'' (FRL6178–7) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7576. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding dose limits for certain spent fuel storage installations (RIN3150–AF84) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7577. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Metric Conversion'' (RIN2127–AG55) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Two Harbors, MN'' (Docket 98–AGL–43) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Granite Falls, MN'' (Docket 98–AGL–46) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7580. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Orr, MN'' (Docket 98–AGL–47) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7581. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Menomonie, MN'' (Docket 98–AGL–45) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7582. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Park Falls, WI'' (Docket 98–AGL–44) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes'' (Docket 98–NM–74–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 and 3201 Airplanes'' (Docket 98–CE–28–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mooney Aircraft Corporation Model M20J, M20K, M20M, and M20R Airplanes'' (Docket 98–CE–47–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals'' (Docket 98–CE–88–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7587. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–63–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CAMPBELL:

S. 2641. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, relitigation of, precedents established in the Federal judicial courts; to the Committee on the Judiciary.

By Mr. ASHCROFT (for himself and Mr. DASCHLE):

S. 2642. A bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2643. A bill to provide increased funding to combat drug offenses, and for other purposes; to the Committee on the Judiciary.

S. 2644. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Finance.

By Mr. THOMAS:

S. 2645. A bill to create an official parliamentary station in the United States fully to participate in the Global Legal Information Network; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. 2646. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2647. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. D'AMATO:

S. Res. 311. A resolution expressing the sense of the Senate that the Secretary of the Interior should the establishment of a memorial to Thomas Paine on the National Park Service property in Constitution Gardens within the 1700 block of Constitution Avenue, N.W., in the District of Columbia, and that the memorial should specifically include the structure known as the ''Canal House''; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. Con. Res. 129. A concurrent resolution to correct a technical error in the enrollment of H.R. 3910; considered and agreed to.

By Mr. REED:

S. Con. Res. 130. A concurrent resolution to correct the enrollment of H.R. 4328; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2641. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in relitigation of precedents established in the Federal judicial courts; to the Committee on the Judiciary.

THE FEDERAL AGENCY COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, today I introduce the Federal Agency

Compliance Act. This legislation is the redraft of prior legislation that I introduced, S. 1166, the Federal Agency Compliance Act, which was the subject of a hearing on June 15, 1998 before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, chaired by Senator GRASSLEY.

At the June 15 hearing, Lynn Conforti from Denver, CO, testified on behalf of the thousands of Social Security disability claimants, who are denied their claims not on the basis of Federal circuit court opinions but on the basis of agency policy that is contrary to Federal law. In November 1996, Ms. Conforti was forced to quit work because of severe pain due to failed surgery on her back to correct corvature of the spine, scoliosis. Until that time. Ms. Conforti had been employed her entire life since she was 19 years old and paid her FICA taxes into the Social Security Disability Program for 27 years. At the hearing, she described her 32-month struggle with the Social Security Administration that had twice denied her benefits, because they did not give due weight to the medical opinion of her treating physicians or the severity of her pain, contrary to Federal court decisions. Ms. Conforti described her physical ordeal, having two back surgeries, removing 10 discs, two sets of surgical rods and screws, 38 days in the hospital, 334 physical therapy visits, 128 physician visits, and 16 months of chronic pain. Despite her disability, Ms. Conforti hopes to be able to return to work in the future, but she needs the disability resources to continue rehabilitation efforts.

Finally, in July 1998, Ms. Conforti was awarded her disability benefits by an administrative law judge (ALJ) in an on-the-record determination. The ALJ, unlike lower level decisionmakers at SSA, was able to apply Federal court decisions to her case. For this reason, the bill I am introducing today contains a provision included in a similar bill, H.R. 1544, that states that agency employees and ALJ's shall adhere to court of appeals precedent within the circuit, insuring that Ms. Conforti and thousands of other claimants will no longer be victims of agency intracircuit nonacquiescence with the passage of this legislation.

I want to thank my colleagues, Senator SESSIONS and Senator DURBIN, for their support for this important legislation and for their assistance in revising the legislation that I introduce today. Through the effort of Senator SESSIONS, the bill clarifies that adherence by agencies to court of appeals precedent shall be in civil cases and there is no prohibition on an agency relitigating a matter in more than three circuits if such relitigation is necessary. Also, Senator DURBIN clarified that certain agencies, such as the National Labor Relations Board [NLRB], are not bound by adherence to court of appeals precedent when it is not certain that the court of appeals that established the NLRB precedent has exclusive jurisdiction over the matter or by another circuit. Again, I want to thank my colleagues for these clariications and for their support of the bill I introduce today.

Intracircuit agency nonacquiescence to appellate precedent is not limited to the Social Security Administration, which was described at our hearing, but has been a long-term problem with all agencies and one that the Congress has struggled with since the early 1980's. Finally, we have a consensus on legislation that will solve this problem and return us to the rule of law that we expect and that citizens deserve. I ask my colleagues to support this legislation to ensure Federal agencies follow the law.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2641

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

SECTION 1. PROHIBITING INTRACIRCUIT AGENCY NON-ACQUIESCENCE IN APPELLATE PRECEDENT.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Agency Compliance Act''.

(b) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended by adding at the end the following:

''§ 707. Adherence to court of appeals precedent

''(a) Except as provided in subsection (b), an agency (as defined in section 701(b)(1) of this title) shall in civil cases, in administering a statute, rule, regulation, program, or policy within a judicial circuit, adhere to the existing precedent respecting the interpretation and application of such statute, rule, regulation, program, or policy, as established by the decisions of the United States court of appeals for that circuit. All officers and employees of an agency, including administrative law judges, shall adhere to such precedent.

''(b) An agency is not precluded under subsection (a) from taking a position, either in administrative or litigation, that is at variance with precedent established by a United States court of appeals if—

''(1) it is not certain whether the administration of the statute, rule, regulation, program, or policy will be subject to review exclusively by the court of appeals that established that precedent or a court of appeals for another circuit;

''(2) the Government did not seek further review of the case in which that precedent was first established, in that court of appeals or the United States Supreme Court, because—

''(A) neither the United States nor any agency or officer thereof was a party to the case; or

''(B) the decision establishing that precedent was otherwise substantially favorable to the Government; or

''(3) it is reasonable to question the continued validity of that precedent in light of a subsequent decision of that court of appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, or any other subsequent change in the public policy or circumstances on which that precedent was based.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 5, United States Code, is amended by adding at the end the following new item:

''707. Adherence to court of appeals precedent.''.

By Mr. THOMAS:

S. 2645. A bill to create an official parliamentary station in the United States fully to participate in the Global Legal Information Network; to the Committee on Rules and Administration.

GLOBAL LEGAL INFORMATION NETWORK PARTICIPATION ACT OF 1998

Mr. THOMAS. Mr. President, as the world is catapulted into the electronic information age, the United States has a rare opportunity not only to participate in a truly international legal database but also to sustain a leadership role in setting the highest standard for the creation and maintenance of such a database. It is also a fortuitous moment for the Congress to encourage and support an effort that will inure to the direct benefit of the Congress in its legislative functions by having access to foreign laws contemporaneously with or shortly after publication in the country of origin. This effort, conceived and developed by our own Law Library of Congress, is the Global Legal Information Network, popularly referred to as ''GLIN.''

GLIN is an international, cooperative, non-commercial database of legal information contributed to by governments of member nations in Africa, Asia, Europe, and the Americas. As a mission-driven project, GLIN was developed by the Law Library as a way to organize and gain access to legal information so that the Law Library could respond to requests from Congress in a timely, efficient manner since the Law Library is responsible for doing research and analysis on the laws of other nations, comparative law, and international law. This continues to be the goal of the Law Library's participation in GLIN.

The database comprises abstracts of legal material, full texts of laws and regulations, and a legal thesaurus. The GLIN database is structured so that the full range of legal material including constitutions, laws and regulations, judicial decisions, parliamentary debates, scholarly writings, and legal miscellanea can be added to the database over time as countries are able to make these contributions.

Since 1995, GLIN has become a truly ''global'' legal information network and the Law Library has trained technical and legal teams from numerous countries plus a team from the United Nations. These countries are at various stages of compliance with the GLIN standards for organizational, technical, and telecommunications capabilities.

GLIN is the centerpiece of the Law Library's transition from a paper-based library to one that effectively exploits the advantages of electronic sources of information. The amount of time and resources needed to acquire, process, and store foreign legal material make

GLIN a top priority for the Law Library, and as the United States station for the network it has also undertaken the task of putting United States law into the database using the same high standards demanded of other nations. To date, the Law Library has not received appropriated funds for work on GLIN.

What other Parliaments around the world are doing concerning many of the issues we face is vital for our legislative functions. A 1886 treaty, still in force today, recognized the important need for the exchange of official journals, parliamentary annals, and documents. Congress needs access to the most reliable, current legal information available. GLIN can provide this information, but only if it is developed and maintained properly. With limited resources, and using the only technology and technological support available from an already strapped technology support staff in the Library of Congress which is consumed by other Library programs, participation by the Law Library in GLIN is at a critical point. The system now requires urgent updating and upgrading to enhance the performance of the Network and to attract additional countries, particularly those that are of interest to Congress. To best serve Congress, it is essential that the Law Library retain a leadership role technologically and content-wise. To facilitate such participation, the Law Library needs a special appropriation to bolster its staff and technological infrastructure on its own without being dependent or in competition with other Library of Congress programs.

Besides affording the Law Library the ability to bolster resources to meet this important growing initiative, this special appropriation will permit the Law Library through development and training to fulfill its natural role as the largest law library in the world to set the highest of standards for the form and content of legal information to be exchanged between nations to ensure that such material is accurate and complete, and thereby totally reliable. It also fosters interparliamentary cooperation.

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. 2645

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

SECTION 1. SHORT TITLE.

The Act may cited as the ''Global Legal Information Network Participation Act of 1998.''

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS OF PURPOSE.

The Congress makes the following findings and declarations:

(1) It is the policy of the United States to promote the reasonable, timely and authentic exchange of official legal information between parliaments of nations of the world as originally expressed in the 1886 Convention for the Immediate Exchange of the Official Journals, Parliamentary Annals, and Documents:

(2) participation by the United States in an international, cooperative, noncommercial legal database contributed to by governments of member nations, the ''Global Legal Information Network'' (GLIN), which would be available over the Internet, contributes to the promotion of security and international understanding through the exchange of legal information and promotes the rule of law, and therefore is in the interests of the United States;

(3) the timely and accurate availability of laws and regulations of the United States and other legislatures around the world is of the utmost importance to the Congress, both in its own work as well as in the interests of developing and nurturing interparliamentary cooperation; and

(4) the centralization of the function and control of participation by the United States in such an international legal database will assist in establishing uniformity for the electronic exchange and retrieval of legal information.

SEC. 3. THE UNITED STATES GLIN STATION.

In order to carry out the purposes of this Act,

(a) the United States station for the Global Legal Information Network shall be the Law Library of Congress in the Library of Congress;

(b) The Director of the United States GLIN station shall be the Law Librarian of Congress.

By Mr. MCCAIN:

S. 2646. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

TO AUTHORIZE A DISABLED VETERANS MEMORIAL IN WASHINGTON, DC

Mr. MCCAIN. Mr. President, I rise to offer legislation to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial on Federal land in the District of Columbia to honor all disabled American veterans. This legislation is not controversial, costs nothing, and deserves immediate consideration and passage as the 105th Congress prepares to adjourn for the year.

As a nation, we owe a debt of gratitude to all Americans who have worn their country's uniform in the defense of her core ideals and interests. We honor their service with holidays, like Veterans Day and Memorial Day, and with memorials, including the Vietnam Wall and the Iwo Jima Memorial. But nowhere in Washington can be found a material tribute to those veterans whose physical or psychological health was forever lost to a sniper's bullet, a landmine, a mortar round, or the pure terror of modern warfare.

To these individuals we owe a measure of devotion not accorded those who served honorably but without permanent damage to limb or spirit. For these individuals, a memorial in Washington, DC, would stand as testament to the sum of their sacrifices, and as proof that the country they served values their contribution to its cause.

We cannot restore the health of those Americans who incurred a disability as a result of their military service. It is within our power, however, to authorize a memorial that would clearly signal the nation's gratitude to all whose disabilities serve as a living reminder of the toll war takes on its victims.

Under the terms of this legislation, the Disabled Veterans' LIFE Memorial Foundation would be solely responsible for raising the necessary funding. Our bill explicitly requires that no Federal funds be used to pay any expense for the memorial's establishment.

I urge my colleagues to join me and Senators CLELAND, COVERDELL, and KERREY in support of this legislation. America's disabled veterans, of whom Senator CLELAND himself is one of our most distinguished, deserve a lasting tribute to their sacrifice. They honored us with their service; let us honor them with our support today.

Mr. KERREY. Mr. President, I rise as a proud original cosponsor of legislation to establish a national Disabled Veterans Memorial here in Washington, DC.

I am honored to join my fellow colleagues, veterans and friends Senators MCCAIN and CLELAND in establishing a memorial to the brave men and women who have served our Nation with honor and dignity, but have paid a grave price.

I look forward to working with my colleagues in the Senate to establish and construct a memorial that is not only a tribute to our veterans, but will also serve the residents of the District as a place of civic and national pride.

I will insist on an open and fair process as we move forward, and will be diligent in representing the best interests of the veterans, the District, the Nation, and the American people.

By Mr. HATCH:

S. 2647. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Labor and Human Resources.

DRUG DEMAND REDUCTION ACT

Mr. HATCH. Mr. President, I rise today to introduce the ''Drug Demand Reduction Act,'' a bill that improves demand reduction efforts by focusing on the anti-drug media campaign, drug-free jails, and drug-free schools. The bill also contains several congressional resolutions aimed at encouraging community involvement, rejecting efforts to legalize illegal drugs, and streamlining prevention and treatment programs.

This legislation is supported by General Barry McCaffrey, Director of the Office of National Drug Control Policy. The original companion bill was introduced in the House of Representatives by Congressman PORTMAN and Congressman BARRETT on September 16, 1998, and passed with overwhelming bipartisan support, 396–9. I commend

them for their leadership and thank them for their efforts.

As many of you know, I worked hand in hand with my colleagues in the House on this issue, I held hearings in the Senate Committee on the Judiciary concerning these issues, and more recently, I worked with the Leadership to include this bill into the legislative package of anti-drug bills that is being incorporated into the Omnibus Appropriations bill for Fiscal 1999. This bill represents a substantial step toward reducing the rates of drug abuse in our country.

According to the respected Monitoring the Future from 1991 to 1997, the lifetime use of marijuana—the gateway to harder drugs—has increased among school-age youth. The lifetime use of marijuana by 8th graders—that is those 8th graders who have ever used marijuana—increased by 122% from 1991 to 1997. For 10th graders, marijuana use increased by 81% and for 12th graders, 35%.

Cocaine use among our youth has also seen staggering increases. From 1991 to 1997, the lifetime use of cocaine increased by 91% for 8th graders. The lifetime use of cocaine by 10th graders increased by 73% during the same time period. The number of 8th graders who have used cocaine within the past year increased by 154% from 1991 to 1997.

Heroin use has also exploded since 1991. The reported lifetime use of heroin for both 8th and 10th graders increased by 75%. For 12th graders, heroin use increased by 133%. The number of 8th graders who have used heroin within the past year has increased by 86% from 1991 to 1997. For 10th and 12th graders, heroin use increased by 180% and 120%, respectively.

These figures are staggering when you consider that each percentage point represents thousands of teens who are much more likely to become bigger problems for society as they become adults.

The drug abuse situation in our country is an issue about which I care deeply. In June of this year, the Judiciary Committee held a hearing on the growing national crisis of drug abuse among our children. I think it is clear from all the available information and from the testimony heard at the hearing that youth drug abuse is not stable, but is instead rising sharply. Several of the witnesses who testified described how accessible drugs were to our young people.

For example, Chris who works as an undercover investigator in high schools in Dayton, Ohio, described to the Committee how easy it was to get drugs in today's high schools. ''Within the first investigation, I was approached within three weeks, by someone offering to sell to me. The second investigation, I was approached in a week-and-a-half by someone again wanting to sell to me. In high schools, you don't have to do a lot of seeking, you know. . . . Pretty much, they are going to come to you.''

What is the reason behind this surge in teen drug consumption? I believe several things. First, there has been a decline in anti-drug messages from elected leaders—like President Clinton and similar messages in homes, schools, and—until recently with the airing of anti-drug messages developed for the Youth Media Campaign—the media. Second, the debate over the legalization of marijuana and the glorification of drugs in popular culture has caused confusion in our young people. Third, disapproval of drugs and perception of risk has declined among young people. The percent of 8th, 10th and 12th graders who ''disapproved'' or ''strongly disapproved'' of use of various drugs declined steadily from 1991 to 1995. In 1992, 92% of 8th graders, 90% of 10th graders, and 89% of 12th graders disapproved of people who smoked marijuana regularly. By 1996, however, those figures had dropped significantly.

We must change tactics and find a way to do something to stop this epidemic from continuing and destroying the future of our children. This bill, which I expect will be enacted as part of the Omnibus Appropriation bill, will begin to address these problems and offer incentives to help schools, and communities to reinforce the message that drugs are dangerous. I urge all of my colleagues to support this bill. I ask consent that the bill be printed in the RECORD.

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

S. 2647

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Drug Demand Reduction Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Drug-Free Media Campaign Act of 1998''.

SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the ''Director'') shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle under section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SEC. 103. USE OF FUNDS.

(a) AUTHORIZED USES.—

(1) IN GENERAL.—Amounts made available to carry out this subtitle for the support of the national media campaign may only be used for—

(A) the purchase of media time and space;

(B) talent reuse payments;

(C) out-of-pocket advertising production costs;

(D) testing and evaluation of advertising;

(E) evaluation of the effectiveness of the media campaign;

(F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programing, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(2) ADVERTISING.—In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(b) PROHIBITIONS.—None of the amounts made available under section 105 may be obligated or expended—

(1) to supplant current antidrug community based coalitions;

(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

(3) for partisan political purposes; or

(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

(c) MATCHING REQUIREMENT.—Amounts made available under section 105 should be

matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

SEC. 104. REPORTS TO CONGRESS.

The Director shall—

(1) submit to Congress on an annual basis a report on the activities for which amounts made available under section 105 have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subtitle $195,000,000 for each of fiscal years 1999 through 2002.

Subtitle B—Drug-Free Prisons and Jails

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Drug-Free Prisons and Jails Act of 1998''.

SEC. 112. PURPOSE.

The purpose of this subtitle is to provide for the establishment of model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by States and local units of government through a comprehensive evaluation.

SEC. 113. PROGRAM AUTHORIZATION.

(a) ESTABLISHMENT.—The Director of the Bureau of Justice Assistance shall establish a model substance abuse treatment program for substance-involved offenders by—

(1) providing financial assistance to grant recipients selected in accordance with section 114(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

(b) GRANT AWARDS.—The Director may award not more than 5 grants to units of local government and not more than 5 grants to States.

(c) ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant award made pursuant to this subtitle may be used for administrative costs.

SEC. 114. GRANT APPLICATION.

(a) CONTENTS.—An application submitted by a unit of local government or a State for a grant award under this subtitle shall include each of the following:

(1) STRATEGY.—A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government or the State, as the case may be, developed in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) CERTIFICATION.—A certification that—

(A) Federal funds made available under this subtitle will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) REVIEW AND APPROVAL.—Subject to section 113(b), the Director shall approve applications and make grant awards to units of local governments and States that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 115.

SEC. 115. USES OF FUNDS.

A unit of local government or State that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following:

(1) Tailored treatment programs to meet the special needs of different types of substance-involved offenders.

(2) Random and frequent drug testing, including a system of sanctions.

(3) Training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities.

(4) Clinical assessment of incoming substance-involved offenders.

(5) Availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities.

(6) Education and vocational training.

(7) A substance-free correctional facility policy.

SEC. 116. EVALUATION AND RECOMMENDATION REPORT TO CONGRESS.

(a) EVALUATION.—

(1) IN GENERAL.—The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) EVALUATION CRITERIA.—The Director, in consultation with the Directors of the appropriate National Institutes of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include—

(A) reducing substance abuse among participants;

(B) reducing recidivism among participants;

(C) cost effectiveness of providing services to participants; and

(D) a data collection system that will produce data comparable to that used by the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration and the Bureau of Justice Statistics of the Office of Justice Programs.

(b) REPORT.—The Director shall submit to the appropriate committees, at the same time as the President's budget for fiscal year 2001 is submitted, a report that—

(1) describes the activities funded by grant awards under this subtitle;

(2) includes the evaluation submitted pursuant to subsection (a); and

(3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SEC. 117. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance.

(3) SUBSTANCE-INVOLVED OFFENDER.—The term ''substance-involved offender'' means an individual under the supervision of a State or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who—

(A) violated or has been arrested for violating a drug or alcohol law;

(B) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(C) stole property to buy illegal drugs; or

(D) has a history of substance abuse and addiction.

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior and any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 14211)—

(1) for fiscal year 1999, $30,000,000; and

(2) for fiscal year 2000, $20,000,000.

(b) RESERVATION.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 116.

Subtitle C—Drug-Free Schools Quality Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ''Drug-Free Schools Quality Assurance Act''.

SEC. 122. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Subpart 3 of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7141 et seq.) is amended by adding at the end the following:

''SEC. 4134. QUALITY RATING.

''(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

''(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

''(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

''(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

''(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

''(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

''(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

''(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

''(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

''(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

''(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of

each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.''.

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

SEC. 201. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Illegal drug use is dangerous to the physical well-being of the Nation's youth.

(2) Illegal drug use can destroy the lives of the Nation's youth by diminishing their sense of morality and with it everything in life that is important and worthwhile.

(3) According to recently released national surveys, drug use among the Nation's youth remains at alarmingly high levels.

(4) National leadership is critical to conveying to the Nation's youth the message that drug use is dangerous and wrong.

(5) National leadership can help mobilize every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

(6) As of September 1, 1998, 76 Members of the House of Representatives were establishing community-based antidrug coalitions in their congressional districts or were actively supporting such coalitions that already existed.

(7) The individual Members of the House of Representatives can best help their constituents prevent drug use among the Nation's youth by establishing community-based antidrug coalitions in their congressional districts or by actively supporting such coalitions that already exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the individual Members of the House of Representatives, including the Delegates and the Resident Commissioner, should establish community-based antidrug coalitions in their congressional districts or should actively support any such coalitions that have been established.

Subtitle B—Rejection of Legalization of Drugs

SEC. 211. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Illegal drug use is harmful and wrong.

(2) Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense.

(3) The greatest threat presented by such use is to the youth of the United States, who are illegally using drugs in increasingly greater numbers.

(4) The people of the United States are more concerned about illegal drug use and crimes associated with such use than with any other current social problem.

(5) Efforts to legalize or otherwise legitimize drug use present a message to the youth of the United States that drug use is acceptable.

(6) Article VI, clause 2 of the Constitution of the United States states that ''[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.''.

(7) The courts of the United States have repeatedly found that any State law that conflicts with a Federal law or treaty is preempted by such law or treaty.

(8) The Controlled Substances Act (21 U.S.C. 801 et seq.) strictly regulates the use and possession of drugs.

(9) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotrophic Substances Treaty similarly regulates the use and possession of drugs.

(10) Any attempt to authorize under State law an activity prohibited under such Treaty or the Controlled Substances Act would conflict with that Treaty or Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several States, and the citizens of such States, should reject the legalization of drugs through legislation, ballot proposition, constitutional amendment, or any other means; and

(2) each State should make efforts to be a drug-free State.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

SEC. 221. REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the Federal Government to reduce the demand for illegal drugs in the United States are frustrated by the fragmentation of those efforts across multiple departments and agencies; and

(2) improvement of those efforts can best be achieved through consolidation and coordination.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall prepare and submit to the appropriate committees a report evaluating options for increasing the efficacy of drug prevention and treatment programs and activities by the Federal Government. Such option shall include the merits of a consolidation of programs into a single agency, transferring programs from 1 agency to another, and improving coordinating mechanisms and authorities. The report shall also include a thorough review of the activities and potential consolidation of existing Federal drug information clearinghouses.

(2) RECOMMENDATION AND EXPLANATORY STATEMENT.—The study submitted under paragraph (1) shall identify options that are determined by the Director to have merit, and an explanation which options should be implemented.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subsection $1,000,000 for contracting, policy research, and related costs.

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means the Committee on Appropriations, the Committee on Commerce, and the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations, and Committee on Labor and Human Resources of the Senate.

ADDITIONAL COSPONSORS

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1525

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 2353

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2623

At the request of Mr. GLENN, his name was added as a cosponsor of S. 2623, a bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes.

S. 2640

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2640, a bill to extend the authorization for the Upper Deleware Citizens Advisory Council.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as ''National Youth Fitness Week.''

SENATE CONCURRENT RESOLUTION 129—TO CORRECT A TECHNICAL ERROR IN THE ENROLLMENT OF H.R. 3910

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 3910 the Clerk of the House shall, in title IV, section 406, strike ''5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998'' and insert ''5 years after the date of enactment of this Act.''

SENATE CONCURRENT RESOLUTION 130—TO CORRECT THE ENROLLMENT OF H.R. 4328

Mr. REED submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 130

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 4328, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, the Clerk of the House of Representatives shall make the following correction: Strike section 103 of division A.

SENATE RESOLUTION 311—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE INTERIOR SHOULD SUPPORT THE ESABLISHMENT OF A MEMORIAL TO THOMAS PAINE

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 311

Resolved,

SECTION 1. THOMAS PAINE MEMORIAL.

It is the sense of the Senate that the Secretary of the Interior should support the establishment of a memorial to Thomas Paine in the District of Columbia, as authorized by Public Law 102–407 (40 U.S.C. 1003 note).

SEC. 2. LOCATION OF MEMORIAL.

The memorial described in section 1 should—

(1) be established on the National Park Service property in Constitution Gardens within the 1700 block of Constitution Avenue, N.W., in the District of Columbia; and

(2) specifically include the structure known as the ''Canal House'', to be used by the Thomas Paine National Historical Association U.S.A. Memorial Foundation as an integral part of the memorial, in a manner determined by the National Park Service and the Thomas Paine National Historical Association U.S.A. Memorial Foundation.

AMENDMENTS SUBMITTED

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

HATCH AMENDMENT NO. 3832

Mr. BURNS (for Mr. HATCH) proposed an amendment to the bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Correction Officers Health and Safety Act of 1998''.

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

''§ 4014. Testing for human immunodeficiency virus

''(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

''(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

''(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

''(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

''(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

''(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

''(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

''4014. Testing for human immunodeficiency virus.''.

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

AFRICA: SEEDS OF HOPE ACT OF 1998

DEWINE AMENDMENT NO. 3833

Mr. BURNS (for Mr. DEWINE) proposed an amendment to the bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Africa: Seeds of Hope Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term ''under nutrition'' means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

(B) Africa represents a growing market for United States food and agricultural products. Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the 2020.

(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961, to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

(3) shall favor countries that are implementing reforms of their trade and investment laws and regulations in order to enhance free market development in the food processing and agricultural sectors; and

(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

SEC. 102. MICROENTERPRISE ASSISTANCE.

(a) BILATERAL ASSISTANCE.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

(b) MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

(a) PURPOSES.—The purposes of this section are—

(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

(1) ACTIVITIES.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(B) have a clear track-record of support for sound business management practices; and

(C) have demonstrated experience with participatory development methods; and

(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—Such plan shall seek to ensure that—

(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

SEC. 201. NONEMERGENCY FOOD ASSISTANCE PROGRAMS.

(a) IN GENERAL.—In providing nonemergency assistance under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

(b) OTHER REQUIREMENTS.—In providing assistance under the Agriculture Trade Development and Assistance Act of 1954, the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent with sections 403 (a) and (b) of such Act (7 U.S.C. 1733 (a) and (b)).

Subtitle B—Bill Emerson Humanitarian Trust Act of 1998

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Bill Emerson Humanitarian Trust Act of 1998''.

SEC. 212. BILL EMERSON HUMANITARIAN TRUST ACT.

(a) IN GENERAL.—Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''OR FUNDS'' after ''COMMODITIES'';

(B) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) funds made available under paragraph (2)(B) which shall be used solely to replenish commodities in the trust.''; and

(C) in paragraph (2),

(i) by striking subparagraph (B) and inserting the following:

''(B) FUNDS.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

''(i) with respect to fiscal years 2000 through 2002 from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(2) and (f)(2), except that, of such funds, not more than $20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2002; and

''(ii) from funds authorized for that use by an appropriations Act.'';

(2) in subsection (c)(2)—

(A) by striking ''ASSISTANCE.—Notwithstanding'' and inserting the following: ''ASSISTANCE.—

''(A) IN GENERAL.—Notwithstanding''; and

(B) by adding at the end the following:

''(B) LIMITATION.—The Secretary may release eligible commodities under subparagraph (A) only to the extent such release is consistent with maintaining the long-term value of the trust.'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) subject to the need for release of commodities from the trust under subsection (c)(1), for the management of the trust to preserve the value of the trust through acquisitions under subsection (b)(2).''; and

(4) in subsection (f)—

(A) in paragraph (2), by inserting ''OF THE TRUST'' after ''REIMBURSEMENT'' in the heading; and

(B) in paragraph (2)(A), by inserting ''and the funds shall be available to replenish the trust under subsection (b)'' before the end period.

(b) CONFORMING AMENDMENTS.—

(1) Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 et seq.) is amended by striking the title heading and inserting the following:

''TITLE III—BILL EMERSON HUMANITARIAN TRUST''.

(2) Section 301 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended to read as follows:

''SEC. 301. SHORT TITLE.

''This title may be cited as the 'Bill Emerson Humanitarian Trust Act'.''.

(3) Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(A) in the section heading, by striking ''**RESERVE**'' and inserting ''**TRUST**'';

(B) by striking ''reserve'' each place it appears (other than in subparagraphs (A) and (B) of subsection (b)(1)) and inserting ''trust'';

(C) in subsection (b)—

(i) in the subsection heading, by striking ''RESERVE'' and inserting ''TRUST'';

(ii) in paragraph (1)(B), by striking ''reserve,'' and inserting ''trust,''; and

(iii) in the paragraph heading of paragraph (2), by striking ''RESERVE'' and inserting ''TRUST''; and

(D) in the subsection heading of subsection (e), by striking ''RESERVE'' and inserting ''TRUST''.

(4) Section 208(d)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended by striking ''Food Security Commodity Reserve Act of 1996'' and inserting ''Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)''.

(5) Section 901b(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)(3)), is amended by striking ''Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f–1)'' and inserting ''Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on how the Agency plans to implement sections 101, 102, 103, 105, and 201 of this Act, the steps that have been taken toward such implementation, and an estimate of all amounts expended or to be expended on related activities during the current and previous 4 fiscal years.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

● Mr. KERREY. Mr. President, I rise today to acknowledge October 24–31 as the 13th annual observation of World Population Week. In particular, I draw to the attention of my colleagues the proclamation of World Population Awareness Week by the Governor of Nebraska, Ben Nelson. I ask that the full text of this proclamation be printed in the RECORD.

The text follows:

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Nebraska concerned for human dignity, freedom and democracy, as well as for the impact on the global economy;

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one US dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one-fifth of the entire population of the developing world—are hungry or mal-nourished;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political and appropriate programs aimed at providing universal access to voluntary family planning, information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more;

Now, therefore, I, E. Benjamin Nelson, Governor of the State of Nebraska, do hereby proclaim the week of October 25–31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance.

Mr. President, I ask my colleagues to join me in recognizing World Population Awareness Week.●

BREAST CANCER RESEARCHERS

● Mr. D'AMATO. Mr. President, I rise today to acknowledge the outstanding dedication and commitment of two New Yorkers and the staff of a statewide breast cancer hotline. Lorraine

Pace, a breast cancer survivor, and Dr. Wende Logan-Young, a Rochester-area physician were awarded New York's ''Innovation in Breast Cancer Early Detection and Research Awards.''

Lorraine Pace, Breast Cancer Education Specialist at the University Hospital at Stony Brook, was recognized in the ''Consumer'' category as a compassionate and effective advocate for women with breast cancer.

Dr. Logan-Young is the founder and director of the Elizabeth Wende Breast Clinic in Rochester. She was recognized in the ''Professional'' category for her outstanding work with the Women's Health Partnership and her contribution to the advances in mammography screening technology.

I commend and admire the service of Lorraine Pace and Dr. Wende Logan-Young in helping New York's women lead healthier, longer, and more productive lives.●

THE DEATH OF MATTHEW SHEPARD

● Mr. KERRY. Mr. President, Americans from every region in the country, from all walks of life—Americans straight and gay —have spent the past week expressing our sense of shock and outrage for what happened on a dark road in Wyoming. We have also expressed our passionate conviction and knowledge that there is no room in our country for the kind of vicious, terrible, pathetic, ignorant hate that took the life of Matthew Shepard.

We are a better country than that and, Mr. President, I know that Wyoming is filled with good people who share our shock tonight.

But the question, here in this city of monuments, is what will we do about it as a country? Is there a lesson that can become a monument to Matthew Shepard and so many others who suffer because of other people's limitations?

The reason we are here is to guarantee that lesson and to make certain that there will be no period of indifference, as there was initially when the country ignored the burning of black churches or overlooked the spray-painted swastikas in synagogues; or suggested that the undiluted hatred which killed this young man is someone else's problem, some other community's responsibility.

We must all accept national responsibility for the killing in Wyoming, and commit—each of us in our words, in our hearts, and in our actions—to insure that the lesson of Matthew Shepard is not forgotten.

To my friends in the Congress, I say let us pass the Hate Crimes Prevention Act. And, let the so-called leaders in this country stop their immature and nonsensical rhetoric which encourages, or justifies, these barbaric acts. Look to the 58 high schools in my own beautiful state of Massachusetts where 22 percent of gay students say they skip school because they feel unsafe there and fully 31 percent of gay students had been threatened or actually physically attacked for being gay. Matthew Shepard is not the exception to the rule, Mr. President; his tragic death rather is the extreme example of what happens on a daily basis in our schools, on our streets and in our communities. And that's why we have an obligation to pass laws that make clear our determination to root out this hatred. We hear a lot from Congress today how we are a country of laws, not men. Let them make good on those words and pass hate crime legislation.

To all Americans, I encourage you tonight to stare down those who want you to live in fear and declare boldly that you will not live in a country where private prejudice undermines public law.

Each of us has the power to make this happen, and in a small way change misperception and reverse prejudice. Our belief in the strength of human justice can overcome the hatred in our society—by confronting it.

So we must confront it as Martin Luther King did when he preached in Birmingham and Memphis and all over this country, when he thundered his protest and assuaged those who feared his dreams. He taught us how to look hatred in the face and overcome it.

We should face it as Nelson Mandela did the day he left prison in South Africa, knowing that if his heart was filled only with hatred, he could never be free. Nelson Mandela destroyed systemic hatred, faced the fear—and today sets an example to the world about moving away from ignorance.

We need to challenge it as Harvey Milk did in San Francisco, when he brushed aside hatred, suspicion, fear and death threats to serve his city. Even as he foretold his own assassination, Harvey prayed that ''if a bullet should enter my brain, let that bullet destroy every closet door.'' He knew that true citizenship belongs only to an enlightened people, undeterred by passion or prejudice—and it exists in a country which recognizes no one particular aspect of humanity before another.

Today, the challenge is to face our fears and root out hatred wherever we find it—whether on Laramie Road in Wyoming, or on the back roads of Jasper, Texas, or in the Shenandoah National Park.

The Declaration of Independence framed it all for us and everything we try to be is based on the promise of certain inalienable rights; life, liberty and the pursuit of happiness.

Mr. President, those two young high school dropouts threaten each and every one of us when they stole Matthew's rights and life itself.

That kind of hate is the real enemy of our civilization—and we come here to call on all people of good conscience to pass the laws that help us protect every citizen and we ask all Americans to make the personal commitment to live their lives each day in a way that brings us together.●

TRIBUTE TO MATTHEW SHEPARD AND HIS FAMILY

● Mrs. MURRAY. Mr. President, I rise today to remember a young man who was wrongly, viciously struck down in the prime of his life. Matthew Shepard was an innocent, kind, young man pursuing his education and enjoying the life of a college student. Tragically, he is now a reminder of what happens when we do not stand up to hate and bigotry.

On Monday night in Seattle and Spokane, Washington, hundreds of people from all walks of life came together to remember Matthew and to call for action to end hate crimes. Many people in Washington were outraged and shared in our Nation's sorrow. I was touched by this response and join with so many others in expressing my own deep sense of hopelessness. I know that this was not just an isolated incident. Hate crimes are a real threat. We cannot be silent any longer.

A week ago today, I joined many of my colleagues down at the White House in celebration of the signing of the Higher Education Reauthorization Act. I was proud to be there to call attention to the importance of this act. I was proud that the legislation increased opportunities for young students and improved access to quality education for all students. I thought about how important it was for us to be focused on the needs of young Americans and their families striving to achieve a higher education.

I thought of the many college students and high school students I have met who would benefit from these opportunities. I thought about my own college age children and the opportunities they would have. I knew this was a big accomplishment.

Today, my thoughts are with another young college student who will never experience the opportunities and improvements we worked so hard to achieve. My thoughts have gone from improving opportunities to how to prevent the terrible heartache that Matthew Shepard's family and friends are now experiencing.

When I first heard of this horrible crime I immediately felt deep sympathy for Matthew's parents. How frightening it must have been for them to fly half way around the world to be with their child who was almost unrecognizable because of the violent attack he suffered. I can't imagine the pain they must be experiencing. There are simply no words that I could offer in comfort.

I then felt deep sorrow for the community and the University. To know that those who committed this violent and hateful crime are part of their community must be unbearable. This community will never be the same.

I now feel sorry for our Nation. What we have lost? A young man with so much potential. What might Matthew Shepard have become? We know that he was interested in political science and very interested in this field of

study. Could Matthew have become a U.S. Senator?

I think now that maybe Matthew can teach us all. We need to use this tragic and despicable crime to attack hate as we attack any other disease that kills. We must treat hate crimes as the deadly threat that they are and do more to prevent them. Hate is nothing more than a cancer that needs to be stopped.

S. 1529, Hate Crimes Prevention Act, offers us that opportunity. I am pleased to have joined with many of my colleagues in cosponsoring this important legislation. The bill would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. No one beats a person to death and leaves them to die without being motivated by a deep sense of hate. This was no robbery. The motive was hate.

The immediate response of local law enforcement officials illustrates why we need to strengthen Federal Hate Crimes laws and why the Federal Government must take a greater role in ending this violence.

I urge all of my colleagues to think about the many Matthew Shepards, we have all met. Kind and hard working young adults. Let us act now to prevent any more senseless violence and deaths.

It is often said that from tragedy we can learn. Let us learn from this tragic event and make a commitment that we will act on Hate Crimes Prevention legislation. Let our actions serve as a comfort to Matthew's parents and the hundreds of other parents who fear for their children.

There are so many tragedies that we cannot prevent. Another senseless, brutal attack like the one experienced by Matthew is a tragedy that we can prevent. We spend millions of dollars a year seeking cures for deadly diseases that strike the young and old. We simply cannot accept a disease that strikes without warning and takes the life of a precious vulnerable child. We need to treat hate the same. It cannot and will not be tolerated.●

HOUSE DELAY IN PASSAGE OF THE DIGITAL MILLENNIUM COPYRIGHT ACT, H.R. 2281

● Mr. LEAHY. Mr. President, I am glad that the House Republican leadership relented and after several days' delay allowed the House to consider and adopt the conference report on the landmark Digital Millennium Copyright Act, H.R. 2281.

Just two weeks ago, the Senate unanimously passed the Conference Report on the Digital Millennium Copyright Act, H.R. 2281. This important legislation is based on the implementing legislation recommended by the Administration and introduced last year by Senators HATCH, THOMPSON, KOHL and me, to implement the new World Intellectual Property Organization (WIPO) copyright treaties. The bill provides the protection necessary to encourage copyright owners to make their works available over the Internet and in other digital formats. This legislation sets a standard for other nations who must also implement these treaties.

The Senate bill was reported unanimously by the Senate Judiciary Committee and passed the Senate without opposition. The House-Senate conference over the last several weeks also led to all conferees signing the conference report and supporting the final version of the legislation. As the only Senate Democratic conferee I was pleased to serve on this conference and participate in working out agreements with House Republican and Democratic conferees.

With the approval of the chairmen and ranking Democrats on both the House Judiciary Committee and the House Commerce Committee, this landmark legislation—which Senator HATCH has called the most important bill we will pass this year—seemed to have finally cleared the last hurdle and be ready to be sent to the President for enactment. On Thursday, October 8, Senator HATCH and I were both present on the Senate floor for Senate final passage and had been informed that the House leadership had determined to take up and pass the bill that very day.

Surprisingly, the bill was not taken up in the House on Thursday or Friday or Saturday or Sunday. There was a threat that it would not be brought up by the House leadership at all, and I think that the Senate and the American people are entitled to an explanation.

It turns out that the House Republican leadership had decided to hold this critical legislation hostage to petty partisan politics. According to reports in Roll Call on October 8 and 12, Reuters on October 10 and the Washington Post on October 14 and 15, House Republicans were mad that a pal of theirs was not hired to head the Electronic Industries Alliance. The hold on this legislation is to ''send a message.''

Apparently, in the world of NEWT GINGRICH and DICK ARMEY and TOM DELAY, trade associations better hire their Republican friends or there will be retribution, including stalling action of important bipartisan legislation that promotes the national interest. This is childish behavior beneath the dignity of those who hold leadership positions in a House of Congress. The Digital Millennium Copyright Act, a good bill on which so many of us have worked so hard and cooperated so closely across the aisle, was finally allowed to be considered by the House and did pass. I thank the House Republican leaders for ending their pout in time for this landmark legislation to be adopted.

This bill should help create jobs and economic opportunities to America's leading copyright-based industries. We all recognize that because the U.S. is the world-wide leader in intellectual property, the U.S. will be the main beneficiary if Congress enacts this legislation.

Protecting and encouraging the intellectual creations of our citizens has always been a fundamental priority for our country and a responsibility of our national government. Our creative industries produce the material that makes the global information infrastructure something worth having. I want to ensure that the creators of movies and television and cable programming and recordings and books and computer software and interactive media continue to create, that their creativity is rewarded, that their creations are not stolen or pirated, and that those basic tenets are followed in all the world's markets.

The 1998 report of the International Intellectual Property Alliance confirms the importance of copyright-based industries to our American economy and our economic future. The report demonstrates, for the seventh straight year, that the U.S. copyright industries continue to be one of the largest and fastest growing segments of the U.S. economy. These industries are leading this country into the digital age and the 21st century. Thanks goodness cooler heads finally prevailed and Congress was allowed to complete work on the Digital Millennium Copyright Act.●

JACK HECHLER: DECADE OF SERVICE TO CONGRESSIONAL EXCHANGE PROGRAM

● Mr. LIEBERMAN. Mr. President, it gives me great pleasure today to recognize the dedication of Mr. Jack Hechler, who for the past decade has served as an interpreter and escort for an annual Congressional exchange program; the U.S. Congress/Bundestag Staff Exchange.

This highly successful program has been in existence since 1983 and serves as a guideline to staff exchanges around the world. For the past ten years, Mr. Hechler has been the contract interpreter and escort for the German staff delegation which arrives each summer for a three week program in the United States. Born and raised in Germany, Mr. Hechler graduated from American University in Washington, DC, served in Korea with the U.S. Armed Forces and for more than 37 years was an active Civil Service employee who, prior to retirement was the Director of Policy, Plans and Evaluation at the General Service Administration. Now retired, Mr. Hechler has been devoted to the U.S. Congress—Bundestag Staff Exchange Program.

Jack Hechler has been invaluable to the U.S. Congress-Bundestag Staff Exchange program by providing continuity to a program which relies heavily on alumni volunteers. The ten member German delegations and the network of American alumni have counted on his insight and discussions to add to this annual program. A recipient of the Order of Merit from the Federal Republic of Germany for his work with this

exchange program, he has provided a tremendous service and I offer my most sincere thanks to Jack for his efforts on behalf of the U.S. Congress-Bundestag Staff Exchange program. For a decade of service, vielen dank.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 19, 1998, the federal debt stood at $5,541,765,173,290.62 (Five trillion, five hundred forty-one billion, seven hundred sixty-five million, one hundred seventy-three thousand, two hundred ninety dollars and sixty-two cents).

Five years ago, October 19, 1993, the federal debt stood at $4,403,899,000,000 (Four trillion, four hundred three billion, eight hundred ninety-nine million).

Ten years ago, October 19, 1988, the federal debt stood at $2,620,577,000,000 (Two trillion, six hundred twenty billion, five hundred seventy-seven million).

Fifteen years ago, October 19, 1983, the federal debt stood at $1,382,541,000,000 (One trillion, three hundred eighty-two billion, five hundred forty-one million).

Twenty-five years ago, October 19, 1973, the federal debt stood at $461,462,000,000 (Four hundred sixty-one billion, four hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,080,303,173,290.62 (Five trillion, eighty billion, three hundred three million, one hundred seventy-three thousand, two hundred ninety dollars and sixty-two cents) during the past 25 years.●

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

● Mr. HOLLINGS. Mr. President, I rise today in support of S. 1802, the reauthorization of the Surface Transportation Board (Board). I have spoken out in favor of the Board on many occasions. I want to reemphasize today my commitment to seeing that the Board will be in business for a long time and will be given the resources that it needs to continue its vital work.

The Board is the independent economic regulatory agency that oversees the Nation's rail and surface transportation industries. A healthy transportation system is critical to sustaining a vibrant and growing economy. Under the able and forward-looking leadership of Linda Morgan, the Board's Chairman, who was with us on the Commerce Committee for many years, the Board has worked to ensure that the transportation system is both healthy and responsive. Although it was established to be principally an adjudicatory body, the Board has reached out to the transportation community in an unprecedented way. It has handled the crisis in the West appropriately, letting the private sector work it out where possible, but intervening when necessary. It has initiated proceedings at the request of Senator MCCAIN and Senator HUTCHISON to review the status of access and competition in the railroad industry, and its actions have produced a mix of government action and private-sector solutions. With its staff of 135, it puts out more work than much larger agencies, issuing well-reasoned, thoughtful, and balanced decisions in tough, contentious cases. Just recently, in the Conrail acquisition case, the Board issued one such decision that is good for my State, and for the Nation.

But the Board is stretched thin. It needs to train new people to replace the many employees who are likely to retire soon. And next year, it will continue to expend resources monitoring the implementation of the Conrail acquisition and the rest of the rail network. The Board needs adequate resources to do the hard work that we expect it to do.

Because we need the Board, and because the Board has done a fine job, I am here today supporting a clean reauthorization bill. I supported the Staggers Act when it was passed, and I think in large part it has been a success.

I know that there is some concern about how our transportation system ought to look, and that there are many important issues on the table right now. Several of those issues are being handled by the Board, in connection with its competition and access hearings. I am confident that the Board will do the right thing with the issues before it.

However, some of the tougher issues that have not yet been resolved—for example, the substantially more open access that some shippers want—are not for the Board. They are for us, and they are real. But the fact that the railroads and those who use the system have a lot of ground to cover on these legislative issues should not hold up the Board's reauthorization. Legislative change is our job. The Board, working with the law we gave it, has done its job. I want to thank the Board in general, and Chairman Morgan in particular, who has my unqualified support, for a job well done. The Nation needs agencies like the Board and public servants like Chairman Morgan.●

THE RETIREMENT OF REPRESENTATIVE LEE H. HAMILTON OF INDIANA

● Mr. MOYNIHAN. Mr. President, I rise today humbled by the considerable accomplishments of a great friend and colleague, LEE HAMILTON of Indiana. After 17 terms, he will leave the House of Representatives at year's end. What a profound loss for us all.

Not surprisingly, LEE HAMILTON continues to be recognized for his achievements. Last Tuesday's New York Times quotes Congressman HAMILTON as ''feeling pretty good about the job'' he has held for 34 years. ''I have more confidence in the institutions of government and the Congress than most of my constituents. The process is often untidy, but it works.'' David S. Broder wrote in a column entitled ''Lee Hamilton's Mark,'' ''. . . no one will be more missed by his colleagues of both parties than LEE HAMILTON of Indiana . . . (h)e is an exemplar of the common-sense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today.''

I had the honor of serving with Representative HAMILTON on the Commission on Protecting and Reducing Government Secrecy (1995–1997). Our Commission recommended unanimously that legislation should be adopted to govern the system of classifying and declassifying information, which for a half century has been left to executive regulation. The Congressional members of the Commission introduced such legislation in the House and Senate and one of my largest regrets for the 105th Congress is that we could not get this legislation adopted in honor of LEE HAMILTON's retirement. This will take some time, but eventually, surely, we will pass such a bill.

As the former Chairman of the Committee on Foreign Affairs, the Joint Committee on the Organization of Congress, the Select Committee to Investigate Covert Arms Transactions with Iran, and the Permanent Select Committee on Intelligence, LEE HAMILTON has showed an extraordinary capacity to lead our country through difficult times. Last year, LEE received the Edmund S. Muskie Distinguished Public Service Award from the Center for National Policy and, just last month, the Hubert Humphrey Award from the American Political Science Association.

I might note here that Hubert Humphrey was the first Chairman of the Board of Trustees of the Woodrow Wilson International Center for Scholars here in Washington. To our great benefit, LEE HAMILTON has just recently agreed to head the Wilson Center. He will assume his new post in January, succeeding the Center's distinguished director, Charles Blitzer. Dr. Blitzer's tremendous achievement—the building of a permanent home for the Wilson Center at the now complete Federal Triangle—fulfills the commitment to President Wilson's living memorial as established in its 1968 founding statute. That statute required that the Center be located on Pennsylvania Avenue. Today the Wilson Center can be found at One Woodrow Wilson Plaza on Pennsylvania Avenue where it maintains architectural and functional autonomy from its neighbor, the Ronald Reagan Building and International Trade Center.

It is of enormous comfort to this Senator to know that LEE HAMILTON will remain close at hand and continue to engage us all in matters of great import.

I ask that David Broder's column ''Lee Hamilton's Mark'' from The

Washington Post and the article, ''A Life Reflected in a House Transformed,'' by Melinda Henneberger in The New York Times be printed in the RECORD.

The article follows:

[From the Washington Post, October 11, 1998]

LEE HAMILTON'S MARK

(By David S. Broder)

He's not the oldest or longest-serving of the 21 House members who are retiring this year and not running for other offices. Those distinctions belong to two other Democrats, Illinois' Sidney Yates, the ardent defender of arts funding, and Texas's Henry Gonzalez, the populist scourge of bankers and other big shots.

He may not have had the political impact of a much more junior Republican retiree, New York's Bill Paxon, who led the 1994 campaign that ended 40 years of Democratic control of the House and who appeared to be on track to a future speakership until he fell out last year with his former ally Newt Gingrich.

But my hunch is that no one will be more missed by his colleagues of both parties than Lee Hamilton of Indiana, who is ending a notable 34-year career in the House with the adjournment of this Congress.

Hamilton is a throwback to the old days of the House—and not just because he still has the crew cut he wore when he came to Washington as a small-town Hoosier lawyer in the Democratic landslide of 1964. He is an exemplar of the common-sense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today.

Hamilton has made his mark in two areas unlikely to produce public acclaim. Like his mentor and friend, former representative Morris Udall of Arizona, he has struggled with modest results to improve the internal organization and operations of the House and the way its members pay for their campaigns. More notably, he has been the Democrats' leader on international policy, serving as chairman of the Foreign Affairs Committee when his party had the majority. In both arenas, he has consistently placed principle above partisanship and worked comfortably with like-minded Republicans.

He first attracted attention in 1965 when, as chairman of the big freshman Democratic class, he wrote President Lyndon Johnson urging ''a pause'' in the breakneck pace of Great Society legislation, the first clear signal that Johnson has pushed the mandate of his election sweep beyond safe political limits. Johnson came to Indiana to help Hamilton with his first—and hardest—reelection campaign in 1966, but the following year, Hamilton again demonstrated his independence—and his prescience—by sponsoring one of the first (but unsuccessful) amendments to scale back American military operations in Vietnam.

As Hamilton recalled in a speech last November, Johnson had been a friend as well as his ally. ''He had the freshman class in the Cabinet Room and told us, 'Buy your home.' He said, 'If you're like most politicians, it'll be the only decent investment you'll ever make.' I did, and it was.''

But after the Vietnam amendment, Johnson called him in. ''I will never forget his eyes when he asked me, 'How could you do that to me, Lee?' '' Hamilton recalled. ''I have served with eight presidents and 11 secretaries of state, and I have sympathized with the burdens and pressures all of them have faced.'' But he has operated on the principle that if Congress is to meet its responsibilities, it must offer its best and most candid counsel to an administration. ''Our great fault,'' he told me, ''is timidity. We don't like to stick our necks out.''

That has not been true of Lee Hamilton. He has given his best judgment freely and plainly, usually supportive of the president, but has never been reluctant to dissent.

In his final months in office, Hamilton received the Edmund S. Muskie Distinguished Public Service Award from the Center for National Policy and the Hubert Humphrey Award from the American Political Science Association. Accepting the first award, he said, ''Politics and politicians may be unpopular, but they're also indispensable. . . . Representative democracy, for all its faults, enables us to live together peacefully and productively. It works through a process of deliberation, negotiation and compromise—in a word, the process of politics. At its best, representative democracy gives us a system where all of us have a voice in the process and a stake in the product.''

Hamilton understands that ''when healthy skepticism about government turns to cynicism, it becomes the great enemy of democracy.'' So his new career will position him to battle for understanding of politics and against corrosive distrust. He will head the Woodrow Wilson International Center for Scholars in Washington, where academics from other nations gather with Americans to think and write about contemporary public policy problems. He will also lead a newly formed Center on Congress at Indiana University, an interdisciplinary program aimed at making the legislative branch less mysterious and suspicious. He is the right man for both jobs.

[From the New York Times, Oct. 13, 1998]

A LIFE REFLECTED IN A HOUSE TRANSFORMED

(By Melinda Henneberger)

WASHINGTON, Oct. 12.—As he waits for the last votes of his 34-year Congressional career, Democratic Representative Lee Hamilton runs one hand through his crew cut and thinks out loud, in his right-down-the-middle way, about why the House is both meaner and cleaner, more hard-working and less thoughtful, than when he arrived here from Columbus, Ind., in 1965.

In those days, he recalls, members of Congress palled around, played cards and made a good-faith effort to be on the golf course by 1 P.M. Now they barely have time to get to know one another, let alone contemplate the meaning of legislative life, in the press of 24-hour news cycles and three-day work weeks bracketed by rush-rush trips home.

Back then, you could legally accept fancy gifts and pocket leftover campaign money when you retired. Even if you managed to get into trouble, there was no House ethics committee until 1978. Then again, neither was there any need to work full time raising money. Mr. Hamilton is nostalgic about the $30,000 he spent as a small-town lawyer on his first race in 1964, the year of Lyndon B. Johnson's landslide. He spent $1 million on his last race in 1996.

In his office, the Congressman's papers are already being packed up, and the mail marked ''return to sender.'' Settling in for a leisurely interview, the 67-year-old Indiana Basketball Hall of Famer drapes his large frame over a straight wooden chair in a room adorned with paintings of his dogs, Tawny and Buffy.

The politically moderate son of a Methodist minister from Evansville, Ind., he has been a major force on foreign policy and led opposition to aid for the Nicaraguan contra guerrillas. He was House chairman of the panel that investigated Reagan Administration support for the contras with the proceeds of illegal arms sales to Iran, and also chaired the Foreign Affairs and Intelligence Committees. The Presidential nominees Michael S. Dukakis and Bill Clinton seriously considered him as a running mate.

Yet when invited to linger for a moment over some favorite accomplishment, he mentions, not very grandly, that he was proud simply to have been among those who voted for the creation of Medicare, even if he did not write the bill.

Despite his talk about 1960's sociability on the Hill, Mr. Hamilton seems always to have put in long hours. A 1966 profile in The Washington Star noted that, ''Hamilton gets to the office every morning at about 6:30, reads all the mail, answers nearly all the roll calls, and has missed going back home on weekends only a couple of times since he took office. He doesn't drink and he doesn't smoke and he works hard.''

He has been enormously popular in the Ninth District in southeastern Indiana. (He is also popular among his staff in a workplace in which aides are often treated casually. Behind his back, staff members are misty about his retirement.)

''I've been going to a lot of retirement dinners back in Indiana,'' he said, ''and the things people remember are the simple things, that I've tried to be accessible and honest and tried to make government work. When I drive through my district and see a sewage system or a library or a school I've had something to do with, that gives me a lot of satisfaction.''

And most likely, this unwillingness to trumpet his career and contributions would have set him apart at any moment in the history of the big, noisy institution he clearly loves.

On the other side of the ledger, Mr. Hamilton said, ''You don't walk away from a 34-year career without some regrets, and I leave very disappointed that we haven't done something on campaign finance or affordable health care.''

Not surprisingly, his most immediate regret is what he sees as the necessity of an inquiry into the possible grounds for impeaching the President, a man he has praised on policy and excoriated for the private conduct that got him into trouble.

''It's a depressing way to end a career, on the note of impeachment,'' he said, removing his glasses, fiddling with them, putting them back on. ''I'm distressed with the ending, but you don't control these things.''

Still, living through Watergate and Iran-contra, Mr. Hamilton said, has given him some perspective on the current situation: ''We look back now and say the system worked in Watergate but in the middle of it, it was messy and partisan. And something like that is happening now, in my view.''

How does he answer those in his own party who respond to criticism of Mr. Clinton's behavior by saying essentially that President Reagan did far worse and survived? ''In Iran-contra you were looking at a President abusing the powers of the Presidency''—as opposed to the personal conduct under discussion in the Clinton case, in his view. ''But though a lot of people on the left were disappointed we didn't hang him, the evidence didn't point to that.''

Mr. Hamilton was among the 31 Democrats who broke party ranks and voted for an open-ended impeachment inquiry. He thought it only right to continue the process, he said, though he has concluded that the President's wrongdoing does not meet the constitutional standard of an impeachable offense and believes Mr. Clinton will finish his term.

And as Mr. Hamilton leaves office, he wants to spend some time thinking about how the President might be rehabilitated to assure that America is not weakened, particularly on the international stage.

Mr. Hamilton's future includes two new jobs, as director of the Woodrow Wilson Center in Washington, a Government-sponsored

institution that promotes research as well as exchanges between scholars and policymakers, and of a new center for the study of Congress at Indiana University. He and his wife, Nancy, will stay on here, in their home in Alexandria, Va.

Not only Congress, he said, but political life in general is a different game now than it was in 1960, when Mr. Hamilton was unable to turn out a respectable crowd to greet Senator John F. Kennedy in Columbus.

''I called everybody I knew and couldn't get 40 people to come out to the Old City Hall to see him just a few months before he got the nomination'' for the Presidency, he said, laughing at the innocence of the time. ''Now you start running for President four years ahead of time and the voters are so well informed, you do something and get back to the office and the phones are already ringing.''

Not all of that sophistication is progress, he said. He dared to say what no candidate would: that today's elected officials pay too much attention to constituents, tracking every hiccup in public opinion.

In some ways, he feels he is leaving on the same note he came in on: ''We're still fighting about Medicare 30 years later.'' But there has been positive change, he said, in that the workings of Congress are much more open now, and the body more truly representative, with many more women and members of minority groups in office. If he has learned anything, he said, it is the difficulty of making representative government work.

He has for some time now missed the collegiality of his early years in Washington, when a senior Republican corrected a glaring parliamentary error Mr. Hamilton had made on a bill the man opposed—an act of generosity that he said would be unimaginable today.

He will miss his colleagues, too. And if he has not fully focused on his feelings about leaving, because there has not been time, Mr. Hamilton exits feeling pretty good about the job: ''I don't leave as a pessimist. I'm not gloomy because I have more confidence in the institutions of government and the Congress than most of my constituents. The process is often untidy, but it works.''●

ERIN POPOVICH

● Mr. BAUCUS. Mr. President, Butte, Montana has a long history of excellence in sports and the cultivation of champions. On Sunday, October 11, 1998 in Christchurch, New Zealand, a young champion from Butte won a gold medal in the 200-meter individual medley at the Paralympic World Swimming Championships. At age 13, Erin Popovich obtained a gold medal with her personal best time of 3:32.45, shattering her previous mark of 3:37.18 which had been a world record.

On Thursday, October 15 Erin significantly added to her trophy case by winning gold medals in the 50-meter freestyle and 50-meter butterfly races. The Butte Central Junior High 8th Grader improved on her United States record time in the 50-meter butterfly with a time of 45.63. She also recorded a personal best in her 50-meter freestyle with a time of 37.54. In the freestyle Erin was in second place until the final 4 meters when she went on to win the gold. Erin also won a bronze medal in the 100-meter freestyle and helped win a gold for the women's 200-meter team freestyle relay.

The most amazing aspect of this is that Erin only started competitively swimming 10 months ago when she joined the Butte Tarpons Swim Club, under the direction of Swim Coach Marie Cook and Assistant Coach Bill Sever. She is a natural athlete, but her true strength lies in her dedication. ''Her determination is her strength,'' Coach Cook says. ''Her mental attitude is just tough.'' Erin's focus provides an excellent example for her teammates, Coach Cook says. ''The kids on this team don't think of her as disabled . . . when she gets on the blocks with taller kids you can see it—she's such an inspiration to everyone.''

Erin, who is the daughter of Dr. Keith and Barbara Popovich, is only one of 30 swimmers to qualify for the United States Disabled Team. The Paralympics features 585 swimmers from 55 countries.

I want to join with her family and friends and all the Butte Tarpon Swimmers in congratulating Erin on her tremendous success. Erin has proven herself as a World Champion and as one of Butte, Montana's finest.●

TRIBUTE TO REGINA WOODWARD NICKLES

● Mr. MCCONNELL. Mr. President, Kentucky suffered a grievous loss last week when law enforcement officer Regina Nickles of Harrodsburg, Kentucky was shot and killed, in the line of duty, early Wednesday morning as Officer Nickles and her partner were responding to a call reporting a man sneaking around the parking lot of a Harrodsburg factory. She was 45 years old.

Born in Cincinnati, Ohio, Regina Woodward Nickles grew up in Boyle County in Central Kentucky. She went to high school in Danville and then attended Eastern Kentucky University. In 1983, at the age of 29, Officer Nickles became the first—and remains the only—woman to ever serve on the Harrodsburg Police force. When she was profiled in the local newspaper in 1983, she said, ''I want to do the best job that I can, and I still feel like I have to prove myself because I'm a woman. I don't want to let these men down who had enough confidence in me to hire me.''

In a town as small as Harrodsburg—population 8000—all the officers are well known. And Officer Nickles was particularly well regarded. She was known in the community as a peacemaker, an officer with a special talent for resolving disputes before they became violent. She is remembered as kind and caring, known for pulling over motorists, giving them a stern warning and sending them on their way. But she could also be tough when called for, and had the respect of the community and all of her fellow officers.

Reflecting the the goodwill that she had built up in Harrodsburg over her career, Officer Nickles was recently nominated as the Republican candidate for sheriff in the November elections. A remarkable reflection of the rapport she had with the community is the fact that several people who had once been arrested and jailed by Officer Nickles have said that they still intended to vote for her because of the way she had treated them.

The murder of Officer Nickles has left the Harrodsburg community in a state of shock. Much like our small Capitol Hill community was devastated by the murders of Officer J.J. Chestnut and Detective John Gibson, the residents of Harrodsburg are asking how this could happen in their small town. As we are painfully aware, no community is immune from such heinous acts.

Mr. President, Officer Regina Woodward Nickles leaves behind an extended family that must now cope with an unimaginably horrific loss. Officer Nickles will also be mourned by the tight-knit Harrodsburg community in which she was such a valued participant.

When Officer Nickles announced her candidacy for Sheriff, she elaborated on her motivation for pursuing the position. ''I want to do more than wear a badge and a gun,'' she observed. ''I want to touch people's lives.'' Officer Nickles didn't need to be elected sheriff to do that. It is abundantly clear that she had touched many people during her too-brief life, and she will be sorely missed.●

REPUBLICAN OBSTRUCTION OF PATENT REFORM LEGISLATION

● Mr. LEAHY. Mr. President, I have long been involved in high technology issues and those affecting American industry that relies on intellectual property at its core. Over a decade ago, I helped establish and chaired a Judiciary Committee Subcommittee on Technology and the Law. This year, we have successfully completed work on legislation to address the impending millennium bug with the Senate and House adopting the Hatch-Leahy substitute for S. 2392, the Year 2000 Information and Readiness Disclosure Act.

I have also worked closely with Senator HATCH on a number of other intellectual property measure including the Digital Millennium Copyright Act, H.R. 2281, the Trademark Law Treaty Implementation Act, S. 2193, and the United States Patent and Trademark Office Reauthorization Act, H.R. 3723. Working with Senators DASCHLE, BINGAMAN, BOXER, HARKIN, KOHL and others, we have been able to put the interests of the nation and the nation's economic future first and enact significant legislation with respect to both copyright and trademark matters this year. Unfortunately, we have not made the progress that we should have on patent matters.

A critical matter from the intellectual property agenda, important to the nation's economic future, is reform of our patent laws. I have been working diligently along with Senators

DASCHLE, BINGAMAN, CLELAND, BOXER, HARKIN and LIEBERMAN to get the Omnibus Patent Act, S. 507, considered and passed by the Senate. It is an important measure to America's future. Working in tandem with Senator HATCH, we developed a good bill that was reported to the Senate by a vote of 17 to one over a year ago.

We have been seeking Senate consideration and a vote for more than a year, but Republican objections have prevented its passage. Last month, I signed on to offer our patent bill as an amendment to the bankruptcy bill. I felt strongly that it was long past time for the Senate to consider this patent reform legislation. Unfortunately, Republican opposition, again, prevented Senate consideration and prevented the amendment from even being offered.

I deeply regret that Republican objections succeeded in preventing Senator HATCH from even offering our amendment, in spite of the amendment spot that we had reserved for that purpose. I know that there is strong support for this measure and I know that no Senate Democrat has been preventing or objecting to its consideration.

Anonymous Senate Republican have prevented the patent bill from being given the opportunity to be debated. This is not the way for the Senate to act. Republican objections killed patent reform silently, without fingerprints, and without debate.

I want to thank Secretary Daley and the Administration for their unfailing support of effective patent reform. Our patent bill would be good for Vermont, good for American innovators of all sizes, and good for America. Unfortunately, some secret minority of Senate Republicans will not allow patent reform to proceed.

The patent bill would reform the U.S. patent system in important ways. It would reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these reforms. Last year, five former Patent Commissioners sent a letter to the President and to the members of the Senate supporting the patent reform bill.

Senator HATCH and I agreed to incorporate suggestions from the White House Conference on Small Businesses and I am pleased to report that as a result, the White House Conference on Small Businesses, the National Association of Women Business Owners, the National Venture Capital Association, National Small Business United, and the Small Business Technology Coalition concluded that the bill would be of great benefit to small businesses.

Unfortunately, because of Republican opposition to this bipartisan bill, the Senate will have no opportunity to consider this legislation to assist U.S. inventors small and large. I find this particularly unfortunate since our patent bill was geared toward improving the operational efficiency at the PTO and making government smaller and leaner.

Today's inventors and creators can be much like those of THOMAS Jefferson's day—individuals in a shop, garage or home lab. They can also be teams of scientists working in our largest corporations or at our colleges and universities. Our nation's patent laws should be fair to American innovators of all kinds—independent inventors, small businesses, venture capitalists and larger corporations. To maintain America's preeminence in the realm of technology we need to modernize our patent system and patent office. Our inventors know this and that is why they support this legislation.

I have received many letters of endorsements for S. 507, some of which I placed into the CONGRESSIONAL RECORD on June 23, July 10 and July 16, from the following coalitions and companies: the White House Conference on Small Businesses, the National Association of Women Business Owners, the Small Business Technology Coalition, National Small Business United, the National Venture Capital Association, the 21st Century Patent Coalition, the Chamber of Commerce of the United States of America, the Pharmaceutical Research and Manufactures of American (PhRMA), the American Automobile Manufacturers Association, the Software Publishers Association, the Semiconductor Industry Association, the Business Software Alliance, the American Electronics Association, the Institute of Electrical and Electronics Engineers, Inc., the Biotechnology Industry Organization, the International Trademark Association, IBM, 3M, Intel, Caterpillar, AMP, and Hewlett-Packard. In addition, I have letters of support from the National Association of Manufacturers, TSM/Rockwell International, Obsidian, and Allied Signal.

I am deeply disappointed that the Senate is being prevented from considering this important legislation by Republican recalcitrance. American inventors deserve better and America's future is being short changed.●

IMMIGRANT NOBEL PRIZE WINNERS

● Mr. ABRAHAM. Mr. President, I would like to bring to the attention of my colleagues a recent article in the Washington Times dealing with the large proportion of Nobel Prize winners in the United States who are immigrants. As reported in this article, while only approximately 8 percent of the American population was foreign-born as of 1990, approximately one third of American winners of the Nobel Prize have been immigrants.

The Times also reports that, according to the National Research Council, ''immigrants have won 32 percent of the U.S. Nobel Prizes for physics, 31 percent of the medicine and economics prizes, and 26 percent of the chemistry prizes.'' This year, Austrian-born American Walter Kohn won the Nobel Prize for Medicine and Daniel Tsui, born in China, won the Nobel Prize in Physics as a naturalized American.

Mr. President, I believe every American should take great pride in these gentlemen's accomplishments. By keeping American society free and open we attracted them to our borders. Through our willingness to seek out and hire the most talented people available we gave them the opportunity to excel. By rising above considerations of national origin and family background all of us have benefitted from the discoveries, the intelligence and the hard work of literally millions of immigrants—from my own grandparents to the ancestors of our Founding Fathers to the latest immigrant, intent on making a better life for himself and his family.

I ask that the full text of the article from the Washington Times be printed in the RECORD.

The article follows:

[From the Washington Times, Oct. 17, 1998]

IMMIGRANTS HELP U.S. BRING HOME NOBEL BACON

(By Ruth Larson)

This week's announcement of the Nobel Prizes for science continued America's long-standing dominance of the prestigious awards, thanks in large part to a wealth of foreign-born talent.

A National Research Council report last year found that about a third of all U.S. Nobel Prizes were won by scientists born overseas. Immigrants have won 32 percent of the U.S. Nobel Prizes for physics, 31 percent of the medicine and economics prizes, and 26 percent of the chemistry prizes.

Although the report does not state where the immigrants were born, the last 16 winners since 1987 have come from places like Austria, Germany, Switzerland, Hungary, Canada, Mexico and Korea.

''There's no doubt about it: Immigrants represent a very high proportion of Nobel Prize winners,'' said Cato Institute economist Stephen Moore.

The number of foreign-born Nobel Prize winners is all the more striking, given that the U.S. foreign-born population reached just 8 percent in 1990, the report said.

The Nobel Prizes, considered the ultimate symbols of scientific achievement, show how America in the 1990s has become a high-tech melting pot, recruiting science and engineering talent from around the world to fuel the growth of industries from computers and electronics to pharmaceuticals and biotechnology.

In 1993, 23 percent of those holding science and engineering doctorates were born overseas, according to the National Science Foundation's latest figures.

Shirley Malcom of the American Association for the Advancement of Science, said, ''The best and the brightest come here because there has been a tremendous research establishment built up in this country.''

Mr. Moore agreed: ''If you're one of the world's top scientists, you want to be at Stanford or Harvard or MIT, where they have some of the bsst academic research facilities.

History has helped, too. Obviously, World War II played a major role, with many of the

more repressive regimes discriminating against scientists of a particular heritage or background,'' Ms. Malcom said.

''In many cases, scientists had no choice but to leave. They came to the U.S. because they were offered opportunities to pursue their life's work without regard to those extraneous issues.''

Roald Hoffman, a 1981 winner of the Nobel Prize for chemistry, fled with his family in 1949 from their native Poland.

''I was one of the last generations of Hitler's gifts to America,'' he said.

A wave of Central European scientists, including physicists Albert Einstein and Enrico Fermi, fled the rise of Nazism and anti-Semitism and came to America.

The scientific research structure established after World War II flourished, with the help of a strong economy and generous government funding from agencies like the National Science Foundation and the National Institutes of Health, he said.

''The freedom to do the scientific research you want . . . is tremendous, as is the ease of interaction with other scientists,'' Mr. Hoffman said. Success then breeds success: ''Once you have built up a good reputation in a particular area, it attracts other scientists, as we've seen in the biomedical field.''

Ms. Malcom predicted that a similar influx of scientists fleeing the former Soviet Union would be reflected in future Nobel winners. ''Not just because of the Cold War, either,'' she said. ''They've lost much of the infrastructure needed for research and development, as well.''

But wars and repressive regimes cannot account for the success of immigrants once they arrive on American soil.

''We're getting people with the motivation and ambition that leads to high achievement,'' Mr. Moore said. ''There's a certain amount of risk-taking associated with success.''●

ENACTMENT OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

● Mr. BRYAN. Mr. President, it is with great pleasure that I rise today to announce the enactment of the Southern Nevada Public Land Management Act. This historic legislation passed the Senate on October 8th and President Clinton signed it into law on October 19, 1998.

Mr. President, this legislation has its roots in the Southern Nevada Public Lands Task Force. The Task Force was originally established in the summer of 1994 by Congressman Jim Bilbray to provide an open forum in which public land issues affecting the Las Vegas Valley could be discussed among federal, state, local, and private entities. It is comprised of representatives from the State of Nevada, Clark County, the cities of Las Vegas, North Las Vegas, and Henderson, the Bureau of Land Management, the Forest Service, the National Park Service, the Fish and Wildlife Service, the Southern Nevada Water Authority, the Regional Flood Control District, the Clark County School District, and representatives of the development and environmental communities.

At its inception, the Task Force set two primary goals for itself: (1) to establish and maintain a better working relationship between the BLM and local governmental planning agencies; and (2) to develop a ''master plan'' for the Las Vegas Valley that identified those BLM lands which should be transferred to private ownership and those which should be retained for public purposes.

In the summer of 1995, Senator REID and I reconvened the Task Force to build on the goal of developing a ''master plan'' for the Las Vegas Valley. We worked closely with the Task Force in our efforts to develop a legislative proposal that sought to improve the current BLM land disposal policy in the Las Vegas Valley; this proposal eventually became the Southern Nevada Public Land Management Act, which Senator REID and I introduced in the Senate on March 19, 1996. Congressman ENSIGN then introduced a companion bill in the House, and I have enjoyed working with him in a bipartisan fashion over the last several years to fine tune this legislation and shepherd it through the Congress.

The Southern Nevada Public Land Management Act is a response to perhaps the greatest challenge facing Southern Nevada—the need to promote responsible, orderly growth in the Las Vegas Valley while protecting the surrounding environment and enhancing the recreational opportunities that exist in Southern Nevada. In the broadest sense, the legislation reflects a partnership between federal, state, and local entities to enhance the quality of life in the Las Vegas Valley and throughout the State of Nevada.

As many of my colleagues are aware, the Las Vegas valley is the fastest growing metropolitan area in the country. Since the beginning of this decade, nearly five thousand people each month, on average, have chosen to make Las Vegas their new home. Last year alone, nearly 20,000 new homes were built in the Las Vegas valley to accommodate this explosive growth. And while the majority of Southern Nevadans have welcomed the benefits of an expanding, robust economy, there is a realization within the community that a long-term, strategic plan must be developed to deal with growth related problems.

Both State and local elected officials are currently grappling with different ideas as to how best to meet the infrastructure needs and quality of life expectations of current and future generations of southern Nevadans. Local officials estimate that new infrastructure development over the next ten years will cost between three and eight billion dollars for such things as school construction and water, sewer and transit systems. To give you an idea of the magnitude of the situation, the Clark County School District needs the equivalent of a new elementary school every 30 days for the next five years to keep pace with the twelve thousand new students entering the school system every year.

Mr. President, this legislation is a critical component of Southern Nevada's long term plan to manage growth in the Las Vegas valley. Each time the BLM transfers land into private ownership it has important repercussions for the local governmental entity that must provide infrastructure and services to that land. The Bureau of Land Management (BLM) controls in excess of 20,000 acres of land throughout the Las Vegas valley. Consequently, unlike most communities, land use planning decisions are not made solely at the local level; the BLM is an important player in the local land use planning process. This legislation would strengthen the partnership between the BLM and local government and improve upon the current land use planning process.

The BLM's primary method of disposing of land in the Las Vegas valley, through land exchanges, has been the subject of much attention over the past several years. I happen to believe that land exchanges serve a valuable public purpose—the Federal Government disposes of land it no longer needs in exchange for land that is worthy of public ownership. In the Las Vegas valley, however, the real estate market is such that it does not lend itself well to appraisal-driven land exchanges. Disagreements between the BLM and exchange proponents over appraisal methodology and value determinations are often the cause of protracted delays in the land exchange process. Because of the dynamic nature of the real estate market in the Las Vegas valley, any delay in the exchange process can cause the appraisals to become outdated before the transaction is closed.

Mr. President, the legislation before us today would make two significant improvements over the current land exchange process: (1) it would allow local land managers to take a more pro-active role in federal land disposal decisions; and (2) it would institute a competitive bidding procedure to ensure that the disposal of BLM land yields the highest return, or true ''fair market value.'' There are currently over twenty-five land exchange proposals pending in the BLM's Las Vegas office—some are clearly in the public interest, others are not. The vast majority of these proposals are intra-state exchanges, meaning the BLM has the authority to process them without Congressional action. This legislation would open the process to allow anyone who wishes to bid on BLM land to do so in a competitive sale, and it would eliminate the need to enter into protracted appraisal negotiations over selected BLM land that so often bog down the already cumbersome exchange process. The legislation stands for the same proposition as the current land exchange process—the sale of federal land in the Las Vegas Valley should be used as a means of protecting environmentally sensitive land throughout the State of Nevada and of enhancing the use of public land recreational areas in Southern Nevada.

At the conceptual level, the legislation represents a synthesis of two previously enacted public land bills that specifically address public land management issues in Southern Nevada—the Santini-Burton Act and the Apex land transfer legislation. You may recall that the Santini-Burton Act, which was enacted in 1980, authorized the sale of BLM land in Las Vegas to fund the acquisition of environmentally sensitive land in the Lake Tahoe basin. Our legislation embodies a similar proposition—the sale of federal land in the Las Vegas Valley should be used as means of protecting environmentally sensitive land throughout the State of Nevada and of enhancing the use of public recreational areas in Southern Nevada. With nearly 5,000 new residents moving into the valley each month, it is imperative that we protect our open spaces around the valley from development and expand recreational opportunities for the public in order to maintain the quality of life we have come to expect in Southern Nevada.

Also in keeping with Santini-Burton, our legislation recognizes that land use planning decisions are best made at the local level, so our proposal gives local government an equal voice in deciding when and where federal land sales should occur in the valley. The map referenced in section 4 of the bill would establish a boundary for future BLM land sales and exchanges in the Las Vegas Valley, and combined with other components of the bill, it would serve as the blueprint to assist us in designing public land policy for the 21st century. The map essentially represents the maximum build-out boundary for the valley; it was generated in close consultation with local governmental planning agencies and other members of the Task Force to reflect their vision for future growth and development in the valley. It is important to note that virtually all of the BLM land recommended for sale or exchange under this bill has already been identified for disposal by the BLM under the existing Management Framework Plan for the Las Vegas Valley. In fact, our legislation would reduce the overall amount of land available for disposal in the valley.

The Apex land transfer legislation, enacted in 1989, transferred over 20,000 acres of BLM land just outside the Las Vegas Valley to Clark County for the development of a heavy-use industrial site. When the land is improved and eventually sold by Clark County to a private entity, the revenue sharing provisions of the act allow Clark County recover the value of the infrastructure improvements it has made to the land before providing the federal government with its share of the proceeds from the sale. The legislation before us today recognizes the same principle—that the presence or proximity of local governmental services and infrastructure increases the value of federal land. Consequently, our legislation would direct a portion of the proceeds of federal land sales to local government to assist with local infrastructure development and to the state for the benefit of the general education program.

Another important component of this legislation that I want to highlight today is involves affordable housing. This legislation will also make BLM land available throughout the State of Nevada to local public housing authorities for the purpose of developing affordable housing. There is currently a tremendous need in Los Vegas and Reno, and also in other communities throughout the state, for raw land to develop affordable housing projects. The BLM will now be able to assist each of these communities in meeting this important need.

In closing, Mr. President, I want to acknowledge those members of the Public Land Task Force that played such an important role in the development of this legislation. Thanks go to Mike Dwyer of the BLM, Jim Tallerico and Alan Pinkerton of the Forest Service, Alan O'Neill and Bill Dickensen of the Park Service, and Ken Voget of the Fish and Wildlife Service. Thanks also go to State Senator Dina Titus, Pam Wilcox of the State Land Use Planning Agency, Rick Holmes, Jeff Harris, and Ron Gregory of Clark County, Pat Mulroy of the Las Vegas Valley Water District, Robert Baggs of the City of Las Vegas, Steve Baxter of the City of North Las Vegas, John Rinaldi of the City of Henderson, Gale Fraser of the Flood Control District, Dusty Dickens of the School District, Randy Walker and Jacob Snow with the Clark County Department of Aviation, and also Bob Broadbent, the former Director of the Aviation Department. A number of citizens representing the environmental community provided invaluable assistance; they include Jeff Van Ee, Lois Sagel, John Hiatt, Bob Maichle, and Steve Hobbs. From the development community thanks go to Robert Lewis, Bob Campbell, Scott Higginson, Mark Brown, and Jeff Rhoads. And finally, I want to thank Marcus Faust for all of his hard work on behalf of Clark County.

Finally, Mr. President, I want to thank two members of my staff, Brent Heberlee and Sara Besser, for all of their work related to this legislation.

I believe this legislation will make great strides toward improving public land management policy in Southern Nevada, and I look forward to continue working with all interested parties as this legislation is implemented.●

LIEUTENANT WILLIAM JAMES LENAGHAN II RETIRES FROM CANTON TOWNSHIP POLICE DEPARTMENT

● Mr. ABRAHAM. Mr. President, I rise today to honor Lieutenant William James Lenaghan, II, who is retiring from the Canton Township Police Department in the state of Michigan after 20 years of dedicated service.

Lieutenant Lenaghan joined the Canton Township Police Department after serving in various governmental jobs. He started his career in 1962, when he joined the United States Navy. He was stationed at the Naval Air Station in Grosse, IL, where he was assigned as a Fire Fighter Instructor. After serving in the military, he began his police officer career as a patrolman. He served in this capacity as well as Special Investigator, Arson Investigator, a member of the Tactical Response Team, Narcotics/Intelligence Team Commander and Instructor for five years in the Michigan cities of West Bloomfield and Redford Township. Next, he became a Special Agent in the United States Treasury Department Bureau of Alcohol Tobacco and Firearms (BATF) where he fulfilled the duties of Instructor and Arson Explosives Team Member. As the burden of traveling with three small children at home became too much, he left his position at the BATF and went to work for Bloomfield Township Police/Tri Cities Fire Department. Here, he continued to expand his experience by becoming Fire Marshal, Tactical Team Officer and Arson Team Member. Longing to once again work for the United States Government, he went to work for the United States Department Bureau of Customs in Detroit, Michigan. Among the many duties that he partook in, he was a Patrol Supervisor and Intelligence Liaison with DEA. In 1978, he began his final expedition as a sergeant for the Canton Township Police Department. Beginning his career as a patrolman, he climbed the ranks to eventually become Senior Lieutenant. While advancing his record as a civil servant, he also took on the responsibilities of shift commander, Emergency Preparedness Director and Community Policing Coordinator.

Throughout his career, Lieutenant Lenaghan has received a great deal of recognition for his excellent service. One example that did not go unrecognized was an event occurring on June 23, 1984. While attending to his own responsibilities, he extended much needed aid to help out a fellow officer who was struggling with a mentally deranged person. Responding to the scene, he assisted by providing physical support bringing the subject under control. His actions undoubtedly prevented further injury to his fellow officer and prevented further danger to the citizens in the area. His decisions ad judgements were certainly a credit to himself and his department. This brave act is only one example of the many citations he has received over his career.

With over 30 years' experience in public safety and law enforcement at the local and federal levels, Lieutenant Lenaghan has provided quality leadership in public safety management. His extensive training in police, emergency, fire protection, and supervision enabled him to perform multi-level tasks essential to the efficient operation of public safety and police department duties.

On behalf of his wife Lois of 31 years, his seven children, his seven grandchildren, the State of Michigan and myself, I would like to take this opportunity to acknowledge his excellent service, dedication, winning personality and commitment to those with whom he worked. Again, I extend my warmest congratulations to him on his retirement.●

TRIBUTE TO JESSIE TRICE

● Mr. GRAHAM. Mr. President, I rise today to salute one of Florida's most dedicated health care service providers. On October 17, 1998, the Economic Opportunity Family Health Center of Miami both honored and said farewell to their President and CEO, Ms. Jessie Trice. Ms. Trice's retirement concludes a career of more than thirty years devoted to the improvement of health care services in under privileged communities throughout both Florida and the nation. She is a true humanitarian, and has been locally and nationally recognized for her tireless advocacy on behalf of the affordable and accessible services primary care centers provide vulnerable populations. Because of her efforts, these centers have garnered support at all levels of government, and they remain a vitally important force in the health care continuum of needy communities.

Jessie Trice is both a community leader and policy maker. Her distinguished resume includes positions as Public Health Nurse Supervisor and Chief of Nursing Services at the Dade County Department of Public Health, Executive Director of the Visiting Nurses Association, and Assistant County Nursing Director of the Children and Youth Project. Her service as the Chairwoman of the Health Choice Network, Inc., the Screening Committee of the National Association of Community Health Care Centers, and the Legislative Committee of the Florida Council of Primary Care Centers, as well as her membership on the Board of Directors of the Primary Care Centers, Inc., are a testament to her superb leadership abilities.

In 1970, President Richard Nixon recognized Ms. Trice's outstanding contributions and proven expertise in this field by appointing her to serve as a delegate to the White House Conference of Children. She was named Florida Nurse of the Year in both 1972 and 1984, and made Distinguished Honoree by the Academy of Black Women in the Health Professions. She has been named to the lists of ''Who's Who'' for Health Care Professionals, American Women, and American Business Leaders.

Mr. President, the list of those who support and admire the work of Jessie Trice is long and distinguished. I am grateful for the work she has done on behalf of the state of Florida, and I ask my colleagues to join me in extending my congratulations for her thirty years of service in the field of health care services. May her examples of dedication and hard work continue to be of inspiration to others.●

NATIONAL BLUE RIBBON SCHOOL

● Mr. ABRAHAM. Mr. President, I rise today to honor a tremendous accomplishment. Middle School South in Harrison Township, Michigan, has been selected as a Michigan Exemplary School and a National Blue Ribbon School for 1997–98.

Middle School South of the L'Anse Creuse Public Schools, was one of two schools in the State of Michigan bestowed the honor of National Blue Ribbon School by the U.S. Department of Education. This selection is a tribute to the time and effort that the parents, administrators, teachers and students have put into building an excellent learning environment. This prestigious award demonstrates what hard work and commitment can produce.

Again, congratulations to all the teachers and students at South Middle School and the entire L'Anse Creuse Public School District. This is a distinguished award, and they deserve it. I wish them continued prosperity, and many more years of success.●

CONFERENCE REPORT FOR S. 1260, THE SECURITIES LITIGATION UNIFORM STANDARDS ACT

● Mr. LEAHY. Mr. President, the House has now passed the Securities Litigation Uniform Standards Act of 1998. The premise for this federal law is a workable and protective federal standard. Throughout the legislative process, we have been careful to ensure that the pleading standard rules developed by the United States Court of Appeals for the Second Circuit would continue to govern. The Administration, the Securities and Exchange Commission and Congress, which have worked together on this legislation, have all agreed on that standard. As the Conference Report and Statement of Managers makes clear, the recklessness standard and Second Circuit pleading rules continue in force. Indeed, the managers reiterated that the 1995 Private Securities Litigation Reform Act reinforced these standards, which continue to govern under the 1998 Act, as well. As a member of the Judiciary Committee and serving now as its ranking member, I am well aware that artificially high pleading standards could create unwanted and unneeded barriers to legitimate cases. That is not the intent of this legislation and should not be its effect.●

COMMENDATION TO THE CURATOR OF THE CAPITOL, BARBARA WOLANIN

Mr. BROWNBACK. Mr. President, I rise to recognize the tremendous work accomplished by Barbara Wolanin, the Curator of the Capitol, in preparing the excellent book on the art in the Capitol created by Constantino Brumidi. The Curator did a magnificent job writing and editing the many articles and photographs which depict the works of the Italian artist, Constantino Brumidi, who was the principal artist of the Capitol. The book was compiled under the direction of the Architect of the Capitol, and Dr. Wolanin had the assistance of many of her colleagues and fellow employees in the Curator's office. So I would like to commend them all on the excellent quality of this book which will enable many to read about the numerous and exquisite works of painting, sculpture and architecture which Constantino Brumidi created to cover the walls and ceilings of the Capitol.

I would also like to recommend this excellent artistic book to all of my colleagues and to the many others who will visit the Capitol. The book is at the Senate and U. S. Capitol Historical Society gift shops.

Constantino Brumidi: Artist of the Capitol

The new congressional publication, Constantino Brumidi: Artist of the Capitol, was authorized by the 103rd Congress (S. Con. Res. 40) as part of the celebration of the bicentennial of the construction of the Capitol. The book, prepared under the direction of Architect George M. White and completed under Architect Alan M. Hantman, has taken a number of years to research, write, illustrate, edit, and design. The book is richly illustrated, primarily with photographs taken by the Architect of the Capitol Photography Branch. It is intended to be valuable to those visiting and working in the Capitol as well as to specialists, and it should enhance the appreciation and understanding of the building's mural decoration for years to come.

Brumidi painted murals in the Capitol between 1855 and 1880, contributing greatly to the beauty and unique symbolic character of the Rotunda and of many rooms and corridors. Brumidi had great skill in making the figures he painted on a flat surface look three dimensional; he created rooms where the decoration goes from floor to ceiling. He was also a master in using rich and vibrant color. His murals pay tribute to American history, technological achievements, and values.

Brumidi's Capitol murals, including the canopy and the frieze, the House and Senate Appropriations Committee Rooms, the President's Room, the Senate Reception Room, and the Brumidi Corridors, are the major focus. The book also gives an overview of his career, including his training and work in Rome. It was primarily envisioned and written by Dr. Barbara Wolanin, Curator for the Architect of the Capitol, who has overseen the conservation of Brumidi's murals. The book would not have been possible without the assistance of many on her staff, especially photographer Wayne Firth. The book includes chapters by a number of other

experts, including the Architectural Historian for the Architect, William Allen, historian Pellegrino Nazzaro, art historian Francis V. O'Connor, and conservators Bernard Rabin, Constance Silver, Christiana Cunningham-Adams and George W. Adams, to provide additional perspectives. The book includes information about other painters working with Brumidi, a chronology of Brumidi's life and work, and a list of known works by him. The Government Printing Office is to be commended for the special care it took in the design and printing.

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

● Mr. JOHNSON. Mr. President, the Surface Transportation Board (STB) was established in 1996 by act of Congress as a quasi-independent body within the Department of Transportation. The STB adjudicates disputes and regulates interstate surface transportation including the restructuring of railroad lines.

Although the authorization of the STB expired this year, a reauthorization bill has not been scheduled. It was my intention to offer an amendment to the reauthorization relating to railroad lines, or at least engage in a colloquy with the manager of the bill. However, because no amendments, or even colloquies, will be agreed to by the managers of the reauthorization of the STB, I offer these comments for the record.

It is my understanding that under section 10901 of title 49 of the U.S. Code, relating to the construction and operation of railroad lines, the STB is required to issue a certificate authorizing the construction or extension of a railroad line, unless it finds that such activity is ''inconsistent with the public convenience and necessity.''

Because the construction of railroad lines can cause significant adverse environmental impacts such as noise, safety and quality of life on local communities, my amendment would have sought to direct the STB to require applicants for the construction or extension of railroad lines to use all reasonable means to route them away from population centers in compliance with the above provision.

Although I am disappointed that I will not be able to offer my amendment, I have been assured by the Chairman of the Surface Transportation Board that ''regardless of whether or not language is inserted into our reauthorization bill, the Board must, and will, consider local interests in assessing the DM&E construction case.''

Mr. President, I appreciate Chairman Morgan's assurances, and I look forward to working with the STB on this and other issues in the next Congress.●

THE OCEANS ACT OF 1998

● Mr. MCCAIN. Mr. President, I rise in support of the Oceans Act of 1998 and several other fisheries issues included in the legislation. In addition to the Oceans Act, this bill approves the Governing International Fishery Agreements between the government of the United States and the governments of the Republics of Lithuania and Estonia. These agreements will permit large processing vessels from these countries to enter the United States Exclusive Economic Zone and process fish caught by U.S. fishermen in fisheries where American processors have insufficient capacity. These privileges have been authorized this year for vessels of Poland and Latvia as well. I support these agreements because they provide needed markets for American fishermen to sell their catch. However, I believe we have inadvertently worked an injustice upon a large U.S. vessel, the *Atlantic Star*.

The *Atlantic Star* is a U.S.-owned, U.S. flag fishing vessel that was refitted last year for the herring and mackerel fisheries off the East Coast. The vessel had received all necessary permits to enter these fisheries. Because the Regional Fishery Management Councils had not then developed plans or plan amendments addressing the entry of large vessels into these fisheries, Congress enacted an appropriations rider which voided the permits for this specific vessels and imposed a one-year moratorium on the entry of the *Atlantic Star* into any U.S. fishery in order to give the Councils time to examine the issue. Meanwhile, the vessel has had to leave the United States in order to operate at all.

The Councils held hearings and carefully reviewed the issues. Recently, the Mid-Atlantic Council recommended size limitations on large harvesting vessels engaged in the mackerel fishery, but has not decided to extend similar limitations to processing vessels. This would allow U.S. flag vessels, such as the *Atlantic Star* to process fish caught by U.S. fishermen, just as the foreign flag vessels we are allowing in today will be able to do. By providing another market for U.S. fishermen it would also provide employment and economic benefits to the region. Moreover, unlike foreign vessels, U.S. flag processing vessels must pay U.S. income taxes, employ Americans and are subject to U.S. labor and environmental laws, requirements that benefit all Americans.

Unfortunately, during deliberations on the Commerce-Justice-State Appropriations Act of 1999, which will be included in the Omnibus Appropriations bill for 1999, the Senate accepted language creating a blanket exclusion of the *Atlantic Star*. We are now in the awkward position of authorizing the entry of foreign vessels to process U.S.-caught fish, while excluding our own U.S. processing vessels. Ironically, if the *Atlantic Star* were to give up her U.S. flag and operate under Lithuanian or Estonian flag, she could come into the United States and operate as a processing vessel in these U.S. fisheries, free from U.S. income tax, employing all foreign crew and exempt from other U.S. laws.

I support the development of our American fishing industry, while ensuring the long-term health and management of the resource. The principles of the Magnuson-Stevens Act—the primary fisheries law of the land—long ago established the priority to be afforded American vessels to harvest and process fish inside the U.S. Exclusive Economic Zone. Excluding U.S. processing vessels in the face of the Council's contrary judgment and while allowing foreign processing vessels into the same fishery does a disservice, not only to American catcher-vessel fishermen who seek markets for the fish and to the crew and owners of the *Atlantic Star*, but to all Americans. Frankly, it is a policy that simply makes no sense. I hope my colleagues will join me in revisiting this issue early in the new Congress.●

THE DAMAGE OF HURRICANE GEORGES IN PUERTO RICO

● Mr. CRAIG. Mr. President, as you know, hurricane Georges recently caused great damage to the island of Puerto Rico. I would like to take this opportunity to personally express my sympathies to those who suffered loss due to this natural disaster. I would also like to clear up some confusion regarding the Federal Emergency Management Agency (FEMA), the federal agency currently working to alleviate the pain and suffering caused by the hurricane.

I recently learned that erroneous reports regarding the funding of FEMA have been circulating in Puerto Rico. A few elected officials in the commonwealth have stated to the press that funding for the FEMA program is obtained from local taxes and user fees within Puerto Rico. These reports are simply not true.

On the contrary, the Appropriations Subcommittee on VA, HUD and Independent Agencies has sole jurisdiction over the funding of FEMA, and the funds appropriated by the committee come from the general fund. The general fund is composed of the collection of federal taxes and user fees from taxpaying citizens of the United States.

The United States Congress is committed to continuing our efforts to aid our fellow American citizens in Puerto Rico in their time of need. We will continue to seek additional emergency disaster relief funding for FEMA before Congress adjourns.●

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

● Mr. D'AMATO. Mr. President, I strongly supported Senate passage of the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998. This bill extends the efforts which we undertook in 1995 to curb abusive securities class action

litigation when we passed the Private Securities Litigation Reform Act of 1995 (PSLRA).

This bill makes the standard we adopted in the Reform Act the national standard for securities fraud lawsuits. In particular, the Reform Act adopted a heightened pleading requirement. That heightened uniform pleading standard is the standard applied by the Second Circuit Court of Appeals. At the time we adopted the Reform Act, the Second Circuit pleading standard was the highest standard in the country. Neither the Managers of Reform Act nor the Managers of this bill (and I was a Manager of both) intended to raise the pleading standard above the Second Circuit standard, as some have suggested. The Statement of Managers for this bill makes this clear when it states: ''It was the intent of Congress, as was expressly stated during the legislative debate on the PSLRA, and particularly during the debate on overriding the President's veto, that the PSLRA establish a heightened uniform federal standard based upon the pleading standard applied by the Second Circuit Court of Appeals.'' This language is substantially identical to language contained in the Report on S. 1260 by the Senate Banking Committee, which I chair.

The references in the Statement of Managers to the ''legislative debate on the PSLRA, and particularly . . . the debate on overriding the President's veto,'' are statements clarifying Congress's intent to adopt the Second Circuit pleading standard. The President vetoed the Reform Act because he feared that the Reform Act adopted a pleading standard higher than the Second Circuit's. We overrode that veto because, as the post-veto legislative debate makes clear, the President was wrong. The Reform Act did not adopt a standard higher than the Second Circuit standard; it adopted the Second Circuit standard. And that is the standard that we have adopted for this bill as well.

The Statement of Managers also makes explicit that nothing in the Reform Act or this bill alters the liability standards in securities fraud lawsuits. Prior to adoption of the Reform Act, every Federal court of appeals in the Nation to have considered the issue—ten in number—concluded that the scienter requirement could be met by proof of recklessness. It is clear then that under the national standard we create by this bill, investors can continue to recover for losses created by reckless misconduct.●

THE COAST GUARD REAUTHORIZATION ACT

● Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act. The House recently passed an amended version of the Senate Coast Guard bill. While I support the overall reauthorization of the Coast Guard, I want to comment on several provisions contained in the House passed bill.

There is currently an administrative process in place to convey excess Federal government property. I believe that legislation which mandates the transfer or disposal of Federal property under terms which circumvent the established administrative procedures is inappropriate. Consequently, the Senate bill used discretionary language to address certain conveyances requested by individual Senators. However, the House bill includes mandatory legislative conveyances. In this case only, I am accepting the mandatory language because I am satisfied that the Coast Guard is willing and prepared to make each of these particular conveyances.

Another important difference between the House and Senate passed bills relates to drug interdiction. I sponsored an amendment in the Senate bill which would have established criminal sanctions for the knowing failure to obey an order to land an airplane. As a former pilot, let me clearly state that this provision was not designed to put any pilot at risk of an arbitrary or random forced landing. Arbitrary or random forced landings are impermissible under the Senate provision. As with all aviation legislation in which I have been involved, safety is a top priority. Under current law, if a Federal law enforcement officer who is enforcing drug smuggling or money laundering laws witnesses a person loading tons of cocaine onto a plane in Mexico, sees the plane take off and enter the United States, he may issue an order to land, and if the pilot knowingly disobeys that order, there is currently no criminal penalty associated with such a failure to obey the order.

The criminal sanctions contained in the Senate bill would only be applied to a person who knowingly disobeyed an order to land issued by a Federal law enforcement agent who is enforcing drug smuggling or money laundering laws. The bill would also require the Federal Aviation Administration (FAA) to write regulations defining the means by and circumstances under which it would be appropriate to order an aircraft to land. One of the FAA's essential missions is aviation safety. Accordingly, the FAA would be required to ensure that any such order is clearly communicated in accordance with international standards. Moreover, the FAA would be further required to specify when an order to land may be issued based on observed conduct, prior information, or other circumstances. Therefore, orders to land would have to be justifiable, not arbitrary or random. Orders to land would only be issued in cases where the authorized federal law enforcement agent has observed conduct or possesses reliable information which provides sufficient evidence of a violation of Federal drug smuggling or money laundering laws. If enacted, I would take every step possible to ensure that this provision does not diminish safety in any way.

Last year, 430 metric tons of cocaine entered the United States from Mexico. In 1995, drugs cost taxpayers an estimated $109 billion. The average convicted drug smuggler was sentenced to only 4.3 years in jail, and is expected to serve less than half of that sentence. It is incumbent on all of us to fight the war on drugs with every responsible and safe measure at our disposal. The provision in the Senate bill would help those men and women who fight the war on drugs at our borders by providing an additional penalty for those who knowingly disobey the law.

A provision included in both the House and Senate bill relates to the International Safety Management Code (ISM Code). On July 1, 1998, the owners and operators of passenger vessels, tankers and bulk carriers were required to have in place safety management systems which meet the requirements of the ISM Code. On July 1, 2002, all other large cargo ships and self-propelled mobile offshore drilling units will have to comply. Companies and vessels not ISM Code-certified are not permitted to enter U.S. waters.

Shipowners required to comply with the ISM Code have raised concerns that the ISM Code may be misused. The IBM code requires a system of internal audits and reporting systems which are intended to encourage compliance with applicable environmental and vessel safety standards. However, the documents produced as a result of the ISM Code would also provide indications of past non-conformities. Obviously, for this information to be useful in rectifying environmental and safety concerns, it must be candid and complete. However, this information, prepared by shipowners or operators, may be used in enforcement actions against a shipowner or operator, crews and shoreside personnel by governmental agencies and may be subject to discovery in civil litigation.

The provision in both the Senate and House bills would require the Secretary to conduct a study to examine the operation of the ISM Code, taking into account the effectiveness of internal audits and reports. After completion of the study, the Secretary is required to develop a policy to achieve full compliance with and effective implementation of the ISM Code. Under the provision, the public shall be given the opportunity to participate in and comment on the study. In addition, it may be appropriate for the Secretary to form a working group of affected private parties to assist in the development of the study and the issuance of the required policy and any resulting legislative recommendations. Any private citizen who is a member of any such working group cannot receive any form of government funds, reimbursement or travel expenses for participation in, or while a member of, the working group.●

(On page S12590 of the Wednesday, October 14, 1998, edition of the RECORD,

Mr. REID's statement was erroneously attributed to Mr. DASCHLE. The permanent RECORD will be corrected to reflect the following:)

TRIBUTE TO DANA TASCHNER

• Mr. REID. Mr. President, I rise today to call attention to the outstanding achievements of a Nevadan who has dedicated himself to helping individuals who often lack the means to help themselves. Dana Taschner has achieved national recognition as a champion for victims of domestic violence and civil rights abuses. He is a 38 year-old lawyer from Reno who chooses cases that are relatively small-scale, but representative of many of the problems facing Americans. Time and again, Mr. Taschner has had the courage and initiative to take on cases that more prominent firms are hesitant to handle for political or monetary reasons. Dana Taschner truly brings honor to his profession.

Mr. Taschner's devotion to fighting oppression recently earned him the American Bar Association's Lawyer of the Year award. He was chosen from a pool of approximately 245,000 other lawyers in North America, competing with litigators with much higher profiles and greater wealth. In 1993, Mr. Taschner took on the Los Angeles Police Department and succeeded in forcing them to change their policy regarding police officers who commit domestic violence. In this case, he represented 3 orphans whose father, an L.A. police officer, murdered their mother and then took his own life. Taschner was able to overcome his own painful childhood memories of domestic abuse and secure the orphans a settlement. He argued that the department should not have returned the officer's gun after he had beaten his wife and threatened to kill her. He also forced the department to treat these matters as criminal cases, rather than internal affairs.

In this era of cynicism and self-promotion, I believe we must take steps to encourage and reward sincerity. Dana Taschner's unwavering dedication to his clients can be seen in his personal relationships with them, relationships that often outlive the outcome of the case. As an attorney myself, I have seen firsthand how much our country needs people in my field who care enough about their clients to commit themselves personally, as well as professionally. Many litigators find it much easier to take the cases that bring financial gain, rather than attempting to help the true victims of injustice.

I am proud that his colleagues have lavished accolades upon Mr. Taschner, but I believe it is a much greater sign of his success that his clients put their faith in him. Dana Taschner, whose integrity and selfless devotion to fairness truly embody our American justice system, is a role model for us all.•

ORDERS FOR WEDNESDAY, OCTOBER 21, 1998

Mr. STEVENS. I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on tomorrow, Wednesday, October 21. And I further ask unanimous consent that the time for the two leaders be reserved at that time.

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

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow, Wednesday, at 9 a.m. and immediately proceed to a rollcall vote on the passage of the omnibus appropriations bill. Following that vote, several Members will be recognized to speak in relation to the omnibus bill. At the conclusion of those remarks, the Senate may consider any legislative or executive items that may be cleared for action at that time.

RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, 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.

There being no objection, the Senate, at 4:33 p.m., recessed until Wednesday, October 21, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 20, 1998:

FEDERAL HOUSING FINANCE BOARD

DOUGLAS L. MILLER, OF SOUTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2002, VICE LAWRENCE U. COSTIGLIO, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH L. FARMER, JR., 0000