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# *Senate*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

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

Dear Lord, who always has a next step in the adventure of living and leadership, we thank You for calling us to greater intentionality. Help us to put into action what we intend. Clarify Your goals for us as individuals and as a nation and then call us out from where we are to a new level of risk. What would we do if we trusted You completely? Give us the courage to do it! May this be a ''do-it-now'' action week. We have nothing to fear when we have no one else to please but You. Bless the Senators with intentionality that is willing to risk anything except their relationship with You. You are our Lord and Savior. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance as follows:

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

## SCHEDULE

Mr. HAGEL. On behalf of the leader, today the Senate will begin 2 hours of morning business and then resume consideration of the conference report to accompany the D.C./Labor-HHS appropriations bill. As announced on Friday, there will be no votes today. By a previous consent agreement, the vote on the conference report to accompany the D.C./Labor appropriations bill will occur at 10 o'clock Tuesday morning. Tomorrow morning there will be an additional 30 minutes of debate on the conference report prior to the 10 a.m. vote. Senators who have statements on that conference report should be prepared to come to the floor during today's session. As a reminder, two cloture motions were filed on Friday in relation to the African trade bill. Those votes will occur tomorrow as outlined by rule XXII or at a time to be determined by the two leaders.

I thank my colleagues for their attention.

## MEASURE PLACED ON CALENDAR

Mr. HAGEL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1832) to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

Mr. HAGEL. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. HAGEL. I thank the Chair.

Mr. President, I note the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

## MEDICARE COVERAGE FOR PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, this is the ninth time I have come to the floor of the Senate to talk about the issue of Medicare coverage for prescription drugs. As the Senate can see, I am urging seniors to send in copies of their prescription drug bills, as this poster instructs, to your Senator, U.S. Senate, Washington, D.C. 20510.

I am doing this because it is critically important that Congress move on this issue and address it in a bipartisan way. With the counsel and input of Senator SNOWE of Maine, there is one bipartisan bill now before the Senate to cover the issue of prescription drugs for the Nation's elderly.

I am sure other Members of the Senate are getting the kind of mail I am. What I will do this morning, as I have done on eight previous occasions, is talk specifically about some of the bills I am getting from senior citizens in Oregon in an effort to pull together a bipartisan coalition for action in this session.

We have heard, again and again, experts on the health care issue say the prescription drug question is too complicated for the Senate to act on at this time. That is a view I do not share. It is not shared by Senator SNOWE. In fact, 54 Members of the Senate have already voted for the funding plan the two of us have developed. We have already laid the foundation for the Senate to move on this issue in a bipartisan way.

I will talk for a few minutes this afternoon about our legislation and about some copies of bills I have received from senior citizens. I have a whole sheaf of them to go through.

What our bill is all about is trying to give senior citizens who are on Medicare the same kind of bargaining power in the marketplace that a health maintenance organization has. The sad part about this issue is that the senior citizens get shellacked on their prescription bills twice. Medicare doesn't cover prescription drugs. When the program began in 1965, it didn't cover prescriptions. Maybe back then there was a

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

feeling they weren't that important. If anybody thought that then, they certainly would not believe that now, because we have more than 20 percent of the Nation's senior citizens spending over $1,000 a year out of pocket for their prescription medicine. They can't afford these prescriptions. The doctors tell them to take three prescriptions. They start off taking two, and then they take one, and eventually they can't afford their medicine, and they get sicker and they need perhaps institutional care, which is far more expensive. What is so sad is that the seniors, of course, with Medicare not covering prescriptions, have to pay out of pocket. On top of that, they have to subsidize the big buyers, the health maintenance organizations, the health plans, and other big buyers that are in a position to get a discount on their prescription medicine.

So Senator SNOWE and I, in support of the bipartisan Snowe-Wyden bill, are urging seniors to send copies of their prescription drug bills to the Senate, to your Senators, in Washington, DC, in the hopes that we can deal with this in this session of the Senate.

I have been concerned about this issue since back in the days when I was codirector of the Oregon Gray Panthers. I ran the legal aid office for senior citizens then, and prescriptions were awfully important even then. But the fact is they are much more important to the Nation's older people today than they were then because, today, so many of these prescriptions can, in effect, help to keep seniors well and healthy and physically fit. So many of the drugs today can help to lower blood pressure, or deal with cholesterol problems, or a wide variety of conditions, and can keep our seniors healthy. The savings associated with these kinds of drugs are absolutely staggering.

I reported last week, when we talked about the question of prescriptions for seniors on the floor of the Senate, about one anticoagulant drug seniors often take today. It costs a little over $1,000 a year for a senior citizen to take that anticoagulant drug. By taking that drug, very often it is possible to prevent a debilitating stroke that can cost a senior more than $100,000, in terms of expenses. Just think of that. An anticoagulant drug helps our seniors stay healthy for about $1,000 a year. As a result of spending $1,000 a year on this particular medicine, we can keep that person from having a debilitating stroke, which could cost more than $100,000 a year.

So, very often, I am asked by colleagues and others in the Congress whether our Nation can afford to cover prescription drugs for the elderly. My answer is that our Nation cannot afford not to cover prescription drugs, when you look at the kind of savings that would be associated with this coverage.

Now, in the Snowe-Wyden bill, we seek to do a number of things beyond giving senior citizens the same kind of bargaining power that a health maintenance organization does. We focus on the principles of the private marketplace, trying to create choices and options and a wide variety of alternatives for the Nation's seniors, and we do it through a concept the President of the Senate and all of us understand very well, and that is, we use the model of the Federal Employees Health Benefits Plan. We don't go out and set up a whole new bureaucracy. We don't set up a lot of price controls and get the Government intervening in the marketplace.

I have great reservations about that kind of approach because, if you go with price controls, say, on Medicare, the only thing that will happen is you will shift all the costs onto the backs of other vulnerable people. I don't think there is a Member of the Senate who would like to see us take action with respect to prescription drugs for the Nation's senior citizens, and then have a lot of costs shifted onto, say, a 27-year-old woman who is divorced and has two kids and is working hard and playing by the rules and suddenly is seeing the prescription drug costs for her children go up very dramatically. So we ought to unleash the forces of the marketplace. That is what is in the bipartisan Snowe-Wyden prescription drug bill.

What I am going to do for a few moments is talk about some of the bills and documents that I have been sent by seniors since we came to the floor and began to urge them, as this poster says, to send in copies of their prescription drug bills to us in the Senate.

The first case I want to talk about this morning involves a senior citizen who is 73 years old and lives in my home State, in Hillsboro. She has a monthly income of $1,000, and she is spending 25 percent of it on her prescription drugs. She doesn't have any of these bills covered by her health insurance—not any of them. She has to take a wide variety of drugs, such as Relafen and Prilosec—a whole host of prescription drugs—primarily due to hypertension and a variety of problems. Her Prilosec alone is one she has to take on a regular basis; yet, as a result of the expenses associated with her prescription medicine, this senior citizen at home in Hillsboro, OR, is not able to take all of the medication she needs. She reports that when she does take her Prilosec as her doctor tells her, she has had to give up other kinds of necessities. She is eating cheaper foods and is particularly concerned that if something isn't done about prescription drugs in the Senate, she is going to have a whole host of other problems. She is not able to afford other essentials, such as being able to take care of expenses for her house.

This is a real case, not some government report from some think tank in Washington, DC, hypothesizing about what the senior citizens need. This is a real, live case from my home State, in Hillsboro, OR. She heard I am urging senior citizens, as this poster says, to send in copies of their prescription drug bills to their Senators.

She sent me her case. Very clearly, these are heartrending cases—to think people with a $1,000-a-month income trying to get by on that alone is hard enough. Having to spend 25 percent of her income on prescription drugs, having to be part of a drug regime where she can't even take all that her doctor is telling her to take—this is what is going on in the United States of America. A country as rich and powerful and as good as ours has not yet figured out a way to help people such as this. It is a tragedy that we cannot come together on a bipartisan basis, the way the Snowe-Wyden bill envisages. There are other approaches that certainly would be appealing as well. But we need to get this done. What everybody says is that this Congress is so polarized, they can't deal with big issues.

Well, I believe the bipartisan Snowe-Wyden bill, which has gotten 54 votes in terms of a funding plan and is based on models that every Member of the Senate knows about, is a very appealing kind of concept. But if our colleagues have different approaches—and certainly in this body we have strong views, and there are a variety of different ideas on this—have them come forward.

But let's not duck this issue. Let us not duck it and say, oh, this is a matter for the 2000 campaign, and we don't need to deal with it today. We need to deal with it now.

I am going to go through a couple of other cases.

Here is another one from a couple in Cornelius, OR, a home in my State. They have a monthly income of about $1,000. They are spending between $200 and $400 every month on their prescription drugs. They have to take drugs for arthritis, for cholesterol problems, and antibiotics on a fixed income.

Clearly, this kind of case where month after month they are seeing between 20 percent and 40 percent of their monthly income going for prescription drugs ought to make it clear to Members of this body that we have to move and move on a bipartisan basis.

There isn't anything that is important in Washington, DC, that isn't bipartisan. I don't know of a single issue that can be addressed in a significant way without Democrats and Republicans coming together. The Snowe-Wyden bipartisan approach is one way. There may be others. But the important thing is we ought to move and we ought to move in this session of Congress.

A third case I would like to go through involves an elderly woman in Forest Grove, OR. Recently, in effect, in the last few weeks, she spent $294 on her prescription medicine. She has had to take a variety of different medicines. That is one example of what we are getting now from the seniors across this country. This particular senior is in Forest Grove, OR, taking a whole host of medications.

A lot of our seniors average 15 prescriptions a year. The third case I have gone through this morning with seniors spending $294 in just a few weeks on her prescription medicines in Forest Grove is pretty representative of what we are hearing.

I hope that as a result of my coming to the floor over these last days before we wrap up for the year that we can see Democrats and Republicans in the Senate coming together to try to deal with this question.

I want to bring up one last case. It is a particularly poignant one. It is from an older person who is now taking 15 prescription drugs. She is on a fixed income with nothing but her Social Security. She is spending $600 a month—$600 a month—on her prescription medicine. None of it is covered by her health insurance. She writes to tell me that she is spending almost her entire monthly income on prescription drugs.

Think of that. A senior citizen, again, at home in Oregon spending almost her entire monthly income on prescription drugs. We asked: What happens when you can't afford the prescription drugs you need? She said borrow. That is what she tries to do. A senior citizen with only Social Security spending virtually all of her monthly income on prescription drugs is now having to borrow from friends and family.

I have a list of these prescriptions. Again, the list goes on and on.

This is an example of the kind of bills that senior citizens are now sending in as a result of our efforts to try to get bipartisan action on this issue.

I hope as a result of my remarks other seniors will, as this poster says, send in copies of their prescription drug bills. I hope they will be interested in the bipartisan Snowe-Wyden prescription drug bill. But, frankly, I would like to make sure they are in contact with all of us in the Senate because this is not an issue that should be allowed to be put off until after the 2000 election.

We are given an election certificate. Mr. President, I know you feel very strongly about important issues such as campaign finance reform where it is important to come together. We are giving election certificates to deal with these issues. I have not been given an election certificate to put this off until after another election. We are all sent here to deal with these important issues such as campaign finance reform and prescription drugs because these are important to the American people.

I am very proud to have been able to work with Senator OLYMPIA SNOWE on this issue.

I think when you are dealing with important questions such as prescription drugs and campaign finance reform it has to be bipartisan. My plan is to keep coming to the floor of the Senate day, after day, after day, bringing up these examples of what I am hearing from the Nation's senior citizens and hope that we can come together. Senator SNOWE and I got 54 votes on the floor of the Senate for the funding approach we are taking. More than $10 billion goes from the Medicare program each year to cover tobacco-related illnesses. We know we have to act. We have to act responsibly to address these concerns of seniors.

There is a marketplace-oriented approach to this problem. We don't need a lot of price controls. We don't need a ''one-size-fits-all'' run from a Washington, DC, program. The Snowe-Wyden bill will give seniors the same kind of bargaining power that a health maintenance organization has to negotiate prices, not through a government regime but through the power of marketplace forces.

I am going to keep coming back to the floor of the Senate until we get action on this issue. I will keep reading from these letters. I hope seniors will continue, as this poster says, to send in copies of their prescription drug bills. I know that seniors at home have made it clear they are going to keep sending them to me, and I am very hopeful that we can get action on this issue in this session.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1837 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. What is the order of business, Mr. President?

The PRESIDING OFFICER. The order of business is, under the previous order, the time until 2 p.m. shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS, or his designee. The Senator is recognized.

## BUSINESS OF THE SENATE

Mr. THOMAS. Mr. President, I will take a few minutes and talk about some of the things we are doing. Obviously, we are heading toward the end of this session. There is speculation as to when we will conclude our work. Of course, before that is done, clearly the most important thing before us is the appropriations process, funding the Government, and we will do that.

I had the opportunity this weekend to spend some time in my home State. I can always pick up things about which people feel strongly. They want to see the budget signed. There are differences of view as to what that budget should contain—legitimately, of course.

Most of the people in my State—and I certainly believe they are well informed because I agree with them—think we ought to hold down the size of the budget because that is how we really put some limits on Government. That does not mean we do not fund the things that are essential. Certainly we will not always have unanimity on what people perceive as being essential, and that is what it is all about.

People do want the budget signed. They do not want the Government to shut down, nor does anyone here, and I hope not the President. He has indicated he does not. We have about five bills to complete and get signed. I am optimistic about it. We will conclude our work without a shutdown. We will conclude our work without spending Social Security dollars, which was the commitment we made.

Out of the surplus this year—a surplus, frankly, for the second time in 25 years—we will only spend that money when it comes in the operational budget and not the budget of Social Security. More important, not only will we not spend Social Security money, but we also have a plan to strengthen Social Security for the future. To save Social Security is not enough. We must do that, of course.

The other thing I have heard—and I already mentioned it—is hold down the size of Government; we do not want the Federal Government to continue to grow and to be the dominating factor in people's lives. Indeed, there are essential elements of the Federal Government, but the strength lies in the communities, States, and counties of this country. The more decisionmaking that takes place there, it seems to me the stronger we will be and the closer we will be to the governed making the decisions, and the better off we will be.

We will do well. We will have to make some adjustments. One of them may well be an across-the-board cut of 1 percent. I happen to favor that idea. We are talking about a discretionary budget of about $595 billion. That is out of a total of about $1.7 trillion, the rest being mandatory. We are talking about actually below 1 percent, a .97-percent across-the-board cut, which is about $3.5 billion. That will bring us down to $592 billion. I cannot imagine that agencies with a budget of $15 billion or $260 billion are unable to find 1 percent that can be reduced. Generally, through things that are not terribly

important or some even considered to be wasteful spending, they can find 1 percent. In any event, I am very confident that can be done.

Some say it will require the military to lay off. The fact is, after 1 percent, it would still be a substantial increase over last year and over the President's request for the military budget. We are closing in on getting that job done. Certainly it is the compelling task before us.

It reminds me of one of the things I believe we ought to consider, and that is a biennial budget, so we can do this business of budgeting and allocating resources every other year, which has the advantage of giving agencies and the Federal Government a better opportunity of knowing what they will be doing for a longer period of time. But more important, it provides an opportunity for 1 year to do budgeting and appropriations and 1 year for oversight which, in my view, is equally important. It is important for the Congress to have oversight of the expenditures and to ensure these expenditures are implementing policies that have been passed by the Congress.

Most States do biennial budgeting and find it very useful, very satisfactory, and successful. I suspect there will be resistance, of course, from those involved in the appropriations process because it will eliminate 1 year in which they have perhaps extraordinary authority in the direction we will take. Nevertheless, I hope this idea is favored by the chairman of the Budget Committee and by the leader of the Senate majority. That is something we ought to consider.

As we talk to people at home, we ought to talk a little bit about the accomplishments of this Congress. I believe it has been extraordinary. It is a little difficult to keep up with it through the media's description of what we do; they don't like to talk about anything unless it is sensational; and also opportunities to communicate are very difficult. One of them is the budget.

We have a surplus—the first time in 42 years. Two years in a row, we have had a surplus. Part of that, obviously, is we have more revenue coming in and a strong economy. But equally as important—perhaps more important—is the balanced budget amendments that were passed 3 years ago that have kept down spending. At the end of the seventies and through the eighties, into the nineties, growth each year was in the neighborhood of 10 to 12 percent. In this year, it is just over 2 percent. Is it where we want to be? No. For many of us, it is not. Nevertheless, it is progress. We even have had, of course, a non-Social Security surplus.

Instead of spending at 10 percent, which we did in the early eighties, we are spending at 2.8-percent growth. That is pretty good.

Spending as a percent of gross national product has fallen during the nineties. Unfortunately, largely because of the President's tax bill in 1995, the percentage of taxes with respect to the gross national product has increased, the highest since World War II. Of course, we tried to do something about that. We passed a bill that would have been a reduction in taxes, but, unfortunately, the President vetoed it.

I mentioned Social Security and that we have to do more than simply talk about it. We can do that. Two years ago, President Clinton urged us to save Social Security first. Unfortunately, he has done very little since then, but there have been a number of things done here. Republicans have worked hard in seeking passage of a Social Security lockbox. Unfortunately, it has been filibustered on the other side of the aisle.

One of the most fundamental changes I hope will be considered next year and passed is the notion of having private accounts where people who are closer to the retirement benefit age will continue as they are. But people 25, 35, and 40 years old will have the opportunity to take the dollars they have contributed to Social Security and put them in a personal account, directly invested in equities, directed by the owner through an investment program, that will have several benefits. One, it would belong to the taxpayer. If, unfortunately, you were not able to utilize it before you passed away, it would be part of your estate. The second is, the return on the investment would be more substantially invested in equities than it would be invested as it is now in Government securities. That is the real direction we need to take.

Tax relief, of course, will be back again. It continues to be an issue. When you have taxpayers who are paying more into the Federal Government than is necessary to sustain the essential elements of the Government, then the money ought to be returned. It has been said—and it is probably true—that if dollars remain in Washington, they have a way of getting spent. So we ought to give some relief to taxpayers.

I was out last summer, in August, talking about the tax relief bill, and people sort of rolled their eyes about it because they had heard that before. But when you talked about the elements of it, they became very interested and supportive of it.

Estate taxes: For example, we have a lot of agriculture in Wyoming. Many agriculturists have almost all of their life's earnings in property, not in yearly income but in the estate they build up in that farm or ranch. Currently, they could lose nearly half of that through estate taxes. We would like to do away with those over a period of time.

Capital gains: More and more people are investing money in the market and seeking to take care of themselves for their old age security or to supplement their Social Security. We need to encourage that. One way to do that is to reduce the tax on capital gains.

The marriage penalty: Almost everyone would agree to the fact that a marriage penalty is very unfair, where two young people who are single at a certain wage level pay a certain amount of tax, but if they get married, they pay a higher amount of tax. That is not fair. We sought to change that. Unfortunately, as I said, that was vetoed. Nevertheless, I consider it to be an accomplishment for the Republican Senate because it sets the groundwork to move forward in another year.

Education: This budget we are talking about contains more for education than the President requested. He is arguing about that. The big argument is not the amount of money. The argument is because the President wants to dictate, to stipulate where the money goes—in this case for 100,000 teachers. We think it makes much more sense to be more flexible. If you have the money, send it to the States, send it to the school districts, and let those folks decide where it is most efficient to invest the money.

I have a strong belief that the needs in Greybull, WY, are quite different than they are in Pittsburgh. We ought to be able to adjust for that. I believe what we have done, in the case of education with Ed-Flex, is given local people more flexibility. So there is additional money in this budget for education. We had money in our tax bill to encourage education, as well. I am pretty pleased about that.

National security: We have added $17 billion for the defense of this country. Probably, if you had to select the item and the issue that the National Government is most responsible for—the Federal Government—it is defense. No one else, of course, can participate as fully in the defense of our country as the Federal Government.

Unfortunately, we have had more troop deployments over the last couple years than we have had in 50 years. But the administration has requested funds that would cause military readiness to go down. We have been in Haiti, in Bosnia, in Kosovo, and a number of other places, which has been very expensive. We have found ourselves in the situation, with voluntary Armed Forces, where it is difficult to recruit people to come into the military. Probably the more difficult thing is to retain those people in the military who have been trained to be pilots or mechanics, or whatever, who can find, of course, much better jobs somewhere else.

Health care: Clearly, health care is a vital interest to all of us. Again, folks in Wyoming are interested in that, in particular, because the changes that have been made over the last couple of years have affected rural areas probably to more of an extreme than nonrural areas. We are moving, of course, into an era where very small hospitals find it most difficult. We have some towns in our State with hospitals that have an average occupancy of one or two acute-care beds. That is

very difficult. And there are shifts taking place. We have changed the definition of ''hospital'' so that HCFA, the funding agency, can fund hospitals that have less than full services, even emergency rooms, to move those patients off to somewhere else.

We passed the Patients' Bill of Rights. I hope one of the things that will happen before we leave is some change in the balanced budget amendment on Medicare. That will probably be an additional $15 billion over 10 years, to take away what we think were the overcuts that have been made by the agency that pays it out. So we will be moving forward on that.

Financial modernization: I think for the first time since the 1930s the whole financial picture has changed somewhat. That bill is prepared to come to the floor. We closed the deal last week. We have been trying for 10 years—and finally got that done—to change the regulations that were put in place during the Depression times to fit what is necessary now.

So we have accomplished a great deal in the budget: Social Security, education, defense, tax relief, health care, and now a banking bill—all things that are good for America—but yet without letting the Federal Government grow out of control.

It is legitimate to have different views, and we ought to have an exchange of views. There are different views everywhere. One of the basic differences here has to do, frankly, with the size and involvement of the Federal Government; it has to do with spending. The liberals, of course, want to have more taxes, more spending, put the Federal Government into more things, override the States because they think that is a better way to do it. It is a legitimate point of view. I do not agree with it.

We ought to try to limit those things that can best and must be done by the Federal Government. Do we raise money to do it? Of course. But after that we ought to let that be done closer to the people.

Those are the real issues. Sometimes they do not show up. We get to talking about details, but the basic philosophy is there and it is legitimate and we need to work at it.

I hope we can move forward. I think we have completed a good amount of work this year. We have some more to do. We have probably less than 2 weeks to do it. So I hope we move forward.

I now yield whatever time he might consume to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Wyoming.

## PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Paul Barger, a fellow in my office, be granted floor privileges for the remainder of today's session.

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

The distinguished Senator from Oklahoma is recognized.

## NATIONAL DEFENSE

Mr. INHOFE. Mr. President, I appreciate very much the Senator from Wyoming taking the time to show some of the differences and some of the accomplishments of this session of the Senate. While I was watching him do that, it occurred to me that something else constantly needs to be brought up before the American people because a lot of times people look at Democrats and Republicans and do not realize that we do stand for different things.

In the case of the Republican Party, I have had the honor, since I have been in the Senate, of serving on the Senate Armed Services Committee. I originally discovered when I was in the House of Representatives—and it was a shocker—why there is such a difference in the approach to national security between the Democrats and Republicans.

To put it very bluntly, the Republicans have always believed that the primary responsibility of Government was to give America a more secure country and to promote our national security. Yet time and time again, it is quite obvious that there is a difference between Democrats and Republicans.

To document this or to quantify it, there is a group called the Center for Security Policy. I think this is kind of interesting because people need to know what we are doing here. All too often people will read the mail of their Senators and assume that is everything that is going on here, when, in fact, there are some things that may not be accurately expressed in that mail. For example, if a constituent is concerned with how his particular Member is voting on tax issues, the National Tax Limitation Committee and National Taxpayers Union rank us so they can tell who is for more taxes and who is for less taxes. If a constituent is concerned about what is happening in terms of family values, they have a number of organizations that will tell how Members voted on issues such as abortion. If they are concerned about how much regulation is disturbing people who are trying to run small businesses, the NFIB, National Federation of Independent Business, actually does a rating.

As far as national security is concerned, the Center for Security Policy is an organization that takes all these votes we cast having to do with a strong national defense, having to do with test ban treaties, a national missile defense system, defense spending, and they rank us to see who the good guys and the bad guys are in their eyes; that is, who is promoting a stronger national defense and is more concerned about national security or who legitimately believes there is a threat.

The average Democrat is ranked, in accordance with the Center for Security Policy, at 12 percent; the average Republican is 94 percent. That tells us something. It tells us there is a basic difference in the policy of the Democrat versus the Republican Party.

This is significant because we just completed debate on the Comprehensive Test Ban Treaty and we heard a lot of dialog on both sides. To the last one on the Republican side who voted in opposition to this treaty, it was a recognition that there is a real threat out there. By unilaterally disarming, which is essentially what we would have done under the Comprehensive Test Ban Treaty, we would have allowed those nations to go ahead and test their nuclear arsenal, even though there is no way of verifying whether or not they were testing, of course.

Good old America, we do what we say we are going to do. If we say we will not do it, then we don't do it. I remember several times Secretaries of Defense would actually testify: We know we are not going to do it, but there is no way of knowing whether the other side is doing it. I had no doubt in my mind that both China and Russia would continue to test their nuclear weapons, even if they had ultimately ratified. By the way, they kept using the argument that we are going to have to ratify this because if we don't do it, Russia won't do it. I remember that same argument in the START II treaty. Russia still hasn't done it. We need to look at these things. Unfortunately, it does become a partisan issue.

In talking about our national defense, I come from the background of chairing the Readiness Subcommittee of the Senate Armed Services Committee. There is a huge issue taking place right now. I will make a couple of references to it because I have introduced a Senate concurrent resolution, with several Members who are cosponsoring it, which calls upon the President and the Secretary of Defense to reopen the Vieques training bombing range off the island of Puerto Rico.

This is what the range looks like. This is the island of Puerto Rico. It is about 22 miles from here to there. This part represents a live bombing range. It only constitutes 2.7 percent of the entire island.

This bombing range has been hot range active for 58 years. During the time period it has been active, there has only been one death on the ground as a result of the use of the range. That was last April 19. As a result, everyone in Puerto Rico who is running for office, whether it is for delegate or for the Governor of Puerto Rico, is using as his or her platform: We are going to do the most we can to shut down this range.

This is the range over here. It has been used for 58 years. There is live ordnance all over the range. There are protesters there right now, illegally trespassing, who are picking up and throwing around these live pieces of ordnance.

I have written twice to Janet Reno and told her she should go down there

and enforce the trespassing laws, if for no other reason than just to keep someone from getting killed. She has refused to do that. Unfortunately, it has been politicized.

We had a committee meeting where we had the Governor of Puerto Rico and others testify. They take the position that if you want to keep this training range active so we can properly train our American soldiers, which include Puerto Rican soldiers, somehow you don't like Puerto Ricans. I think it is very important to realize that that little training range offers three components of training that cannot be duplicated anywhere else in the Western Hemisphere.

First of all, it is high-altitude bombing. Why is that necessary? It is necessary because, as in the case of Kosovo, when we sent our pilots in there with cruise missiles, it was necessary that they be above the range of the surface-to-air missiles. They were very successful in Kosovo in doing that. There is no place else we can get that training because of airspace restrictions.

I went, the weekend before this last weekend, to the U.S.S. *Eisenhower*, which is scheduled to go to the gulf, where they very likely could see some kind of combat. The Navy pilots were actually from that aircraft carrier conducting their training exercises in two different places in the United States.

Here is the problem. I say this as a professional pilot of 40 years. To do that, they have to go through normal commercial airspace. In other words, they take off in an F–14 or F–18 from the U.S.S. *Eisenhower*. They go to drop their load of either real or not real ordnance. To do this, they have to fly through civilian airspace as if they were a general aviation pilot or a commercial pilot flying a commercial airline. In doing this, it is a totally different set of rules. Then when they come up to the range, where they can drop their ordnance, they have to all of a sudden be tactical. It is totally disruptive, and they can't do it at an altitude high enough to give them the actual training. What it will mean is, if these guys are deployed in the Persian Gulf on February 18, many of them will go over there and will be called upon to do things they have never done before.

At the same time, you have your marine expeditionary units, that would not have had this training—actually landing and going on amphibious operations on the shores of Vieques, where they have been doing it for 58 years without incident. We wouldn't have the Navy being able to fire their guns. In fact, one of the officers said that they would be sending sailors out there to fire when they have never fired live on the ground before.

It is a very serious problem. I bring this up not just to gain support for the resolution but to respond to something that is going on right now.

We had a committee hearing with Governor Rossello. He came in. I will read some of the local press there.

> Gov. Rossello on Friday called Republican Senator James Inhofe a ''backward and reactionary'' member of the ultra right wing of the Republican Party, while several island legislators called him an ''Ugly American'' following comments the Oklahoma Senator made about Puerto Rico this week.
>
> [Senator Inhofe] upholds the same tradition of other people who have made similar statements, which is an anti-Hispanic, anti-minority. . . .

It goes on. I think this is a further demonstration that they must not have a case, if they are going to have to resort to these kinds of insults.

I say, in my own defense, that it wasn't long ago—it was 1996—I, along with the Democrat over on the House side, was the recipient of the Award for Freedom and Democracy from the International Foundation for Election Systems. The statement that was made when I was being introduced was: Senator JAMES INHOFE has done more to promote freedom and democracy in Central America; he has done more to promote trade with Mexico and more to provide humanitarian assistance to the Caribbean than anybody else and is hereby awarded the Freedom and Democracy Award by the International Foundation of Election Systems.

That was due to a couple of things I have done. One time, not too many years ago, when a devastating hurricane wiped out the lower Caribbean, I led a group of 10 airplanes through two hurricanes to take down humanitarian goods, doctors, two nurses, and food for the victims on those islands. In the case of promoting trade with Mexico, in 1981 I promoted the first trade where we actually flew to San Luis Potosi, Mexico, and made, not a cultural exchange but an industrial exchange, where we computerized things they can do down there and things we were doing in my home city of Tulsa, OK. And they now have established trade with that country, and relationships and contracts are still alive today.

I had occasion to be involved in Central America during the problems that were taking place down in Nicaragua and some of the other Central American countries. So I say that in my own defense. I appeal to people to start looking at the real problems that exist in Puerto Rico right now, in terms of that range. I wish there was someplace else we could train other than this island of Vieques. When they say it is an inconvenience and it is noisy and it is just 10 miles—this is the range. This is where the population is. It is 9.7 miles between here and here.

I want to show you, by contrast, if you hold up the other chart, the two red areas are the live ranges that are where? In Oklahoma, Fort Sill, which is an artillery training range, a hot range. When I fly over the area, the controller tells me whether their range is hot or not. So there it is, these two ranges. Here is the population of Lawton, OK. So you can see the hot range goes within 1 mile of a population of 100,000 people, as opposed to Vieques, where the range is 9.7 miles from 9,000 people.

Hold up the other chart, if you will. To give a comparison between the two, at Vieques, they use 9-inch guns. We use 6.1-inch in Fort Sill. The days of training average 164 live days a year in Vieques, and at Fort Sill we average 320 days per year. The range at Fort Sill is open and is hot and used twice as many days per year as it is in Vieques.

Thirdly, the distance from the population is 9.7 miles in Vieques, and it is only 1 mile at Fort Sill. The population, instead of 9,000, is 100,000 people. They talk about the danger that imposes. There have been three fatalities. One fatality in Vieques was an F–18 that went down and both pilots were killed. They have had 1 ground fatality there, and we have had 26 (34 including air fatalities) at Fort Sill over a period of time.

So when people accuse us of having two standards, one for those ranges in the United States and one for the range that happens to be in a territory, I think those people have to stop and realize: aren't they asking for something that is more than what we find to be perfectly acceptable in Kansas or in Oklahoma? So I hope people will keep in mind that several of our officers have made the statement that if we send and deploy, on February 18, as is currently scheduled, those sailors and airmen and marines, they will have to go by way of the Mediterranean to the Persian Gulf. The chances are better than 2-to-1 that they will see combat in the Persian Gulf because that is what history shows us right now. We would be sending them there without the benefit of any training at all.

There is another resolution that was introduced by Senator WARNER, chairman of the Armed Services Committee, last week. He was admonishing the President not to deploy the U.S.S. *Eisenhower* if they don't have that training range opened up so they can get the training. I am going to support that resolution as well as mine. The problem I see with it is that we have already deployed the U.S.S. *Roosevelt*. They are already returning. The U.S.S. *Kennedy* is out there right now, and only half of its personnel have had proper training. We would be asking them to make a second 6-month deployment. That would have a terribly negative effect on an already-eroding problem that we have with retention in the military.

So I have two points I wish to make. One is that we need to do all we can to protect our young people whom we are asking to go into combat by giving them the proper training, and also to point out that there is a difference between the Democratic and the Republican Party when it comes to our support of national defense.

I will repeat one more time the statistic I used from the center for security policy. The average Democrat rates 12 percent; the average Republican rates 94 percent. I don't think the American people would expect that the

defense of our country and national security should be a partisan issue, but it is.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

## COOKED BOOKS

Mr. VOINOVICH. Mr. President, I rise today to read an editorial from today's Columbus Dispatch. I want to read it in its entirety because I believe it strongly makes a point that needs to be made.

The editorial is entitled: ''Cooked books—That big federal budget surplus? It isn't.''

The editorial reads as follows:

The president and members of Congress should all be kept after school to write this on the blackboard 123 billion times:

There is no federal budget surplus.

The $123 billion surplus that the president and Congress are crowing about last week really is a $1 billion deficit, hidden by $124 billion in excess Social Security tax revenue that shouldn't even be counted in the general budget because it is meant to be set aside in a trust fund to cover retirement-benefit payments later.

Put that Social Security money aside as intended and the truth about the federal surplus becomes evident:

The government spent $1 billion more than it took in last year.

Certainly, a $1 billion deficit is a vast improvement over years past, when the government was running in the red to the tune of $200 billion or more annually and creating a national debt approaching $6 trillion.

But it is still a deficit.

And it is patently dishonest for the president and Congress to pretend that all that red ink is black.

Even the $124 billion in excess Social Security revenues is really not a surplus for the retirement program.

Yes, Social Security took in more last year than it paid out, but that surplus is a drop in the bucket of the program's $8 trillion unfunded liability.

That's the amount of money the program ultimately is obligated to pay out to current retirees and workers above and beyond what those participants have paid or will pay into the system.

The $124 billion cushion that Social Security has right now puts a mere 1.6 percent dent in that massive obligation.

Congress and the president each pay lip service to the idea of balancing the federal budget and preserving the Social Security surpluses for Social Security, but a genuine commitment to these goals would begin with honest bookkeeping.

Until then, it is back to the blackboard:

There is no federal budget surplus.

There is no federal budget surplus.

There is no federal budget surplus.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

## PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perret, a fellow in my office, be accorded the privilege of the floor during the pendency of S. 1287.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask consent to be recognized in morning business. I understand the majority leader and Democratic leader will soon appear on the floor. When they do, I will be happy to yield the floor to them to take care of business they will transact. In the meantime, I would like to speak in morning business about a very important issue.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

## THE INTERSTATE TRANSPORTATION OF CRIMINALS

Mr. DORGAN. Madam President, the picture I have displayed on the floor of the Senate is of an 11-year-old child named Jeanna North. Jeanna North was tragically murdered by a man named Kyle Bell. Kyle Bell was a previously convicted child molester, a violent criminal living in the neighborhood. This young girl, out on roller blades one afternoon on a quiet Fargo street, was abducted and murdered.

Kyle Bell was convicted of that murder. On October 13, Kyle Bell was being transported to prison and he escaped in New Mexico from a bus that was transporting him and nearly 30 other prisoners across the country. Kyle Bell, this convicted child murderer, escaped from a company called Transcorps. Transcorps is a private company. There are a number of private companies that states contract with to haul killers and criminals around the country. When you haul toxic waste around America, you have to meet certain requirements. When you haul circus animals around this country, you have to meet certain minimum requirements. But if you are a business holding yourself out to transport prisoners all around this country from State to State, there are no minimum requirements and no standards. Get yourself a minivan, hire your brother-in-law and two cousins and say you are in business and you want to haul a convicted child killer around the country.

The escape of this convicted child killer occurred in a circumstance where the bus transporting him, which carried over 30 people, pulled up to a service station to get gas. One of the guards apparently was fueling the vehicle, the other apparently might have been getting a hamburger at the Food Mart, and the third was asleep on the bus, and in the meanwhile this killer goes out through a hatch in the roof of the bus. Then the guards get back on the bus and for 9 hours that bus drove across the country, and they never knew this convicted killer had escaped.

He escaped in civilian clothes, incidentally—a convicted killer being transported across this country in civilian clothes. One would logically ask the question: If you are doing that, if you are transporting a convicted killer across State lines, why would you not have an orange prison uniform that says ''I Am A Prisoner''? Because there are no regulations, no standards. You can haul prisoners, including violent prisoners, across this country coast to coast and you do not have any standards to meet. I think that is wrong. If you are a company, a private company contracting to haul violent prisoners across this country, it seems to me you ought to meet minimum regulations, minimum standards.

In order to enhance public safety, I am going to propose later this week a piece of legislation that will require the Justice Department to establish standards that private companies effecting that transport must meet. When there is an interstate transport of criminals across this country, especially high-risk criminals, certain minimum conditions must be met.

Minimum standards on background checks for employees—is that reasonable? You bet. Minimum standards for the type of training an employee would have, who is transporting a violent criminal across State lines; restrictions on the number of hours that employees are on duty during a 24-hour period; minimum standards on the number of guards that must be present for supervising violent criminals; standards requiring that high-risk violent prisoners wear brightly colored clothing, clearly identifying them as prisoners; minimum standards on the type of restraint that is used when transporting these prisoners; and a requirement that private prison transport companies notify law enforcement officials of scheduled stops in their jurisdiction when they are hauling a cargo of violent prisoners.

These are standards that ought to be implemented. The murder of this young girl in Fargo, ND, by Kyle Bell is a tragedy. But it is a tragedy that is compounded by the escape of this murderer who now, this afternoon, is on the loose. God forbid he should harm or kill someone else while he has escaped from custody. But this escape should

persuade us, as almost all law enforcement officials have told me, that there is a need for some reasonable standards or requirements. Even the private companies themselves have said, yes, there is a need for some basic standards.

I intend to introduce legislation that would allow the Justice Department to establish these standards and perhaps we will not again see an escape of a violent killer of this type. The U.S. Marshals Service also transports offenders or criminals across this country, and they have never lost a violent criminal during that transport. When private companies are contracting with States and cities to haul violent criminals, the American public ought to expect that if they pull up to a gas station someplace they are not pulling up next to a minivan that contains three or four convicted murderers who are being handled improperly, by ill-trained guards, sitting in civilian clothing, and potentially able to escape.

The American public should not have to accept that risk. We will not accept risks in the transport of toxic waste. We will not accept the transport, without standards, of cattle; or for that matter of circus animals. Neither should we accept the transport of convicted killers across this country without some basic minimum standard that would guarantee public safety.

The PRESIDING OFFICER. The majority leader is recognized.

## ORDER OF BUSINESS

Mr. LOTT. Madam President, Senator DASCHLE and I have been working, really last week and early this week, to reach an agreement on the best way to have further consideration of the trade bill and also the bankruptcy bill. I want to say right up front that there has been a good faith effort on both sides. I certainly feel that way toward the Democratic leader. We are very close to reaching an agreement. I think it is basically a question of showing each other the actual amendments that would be involved. But I understand the Senator from South Carolina will not allow us to enter into any agreement with regard to the trade bill at this time. Having said that, we will continue to work to reach an agreement on the bankruptcy bill as well as trying to find a way to consider the pending trade bill.

## AFRICAN GROWTH AND OPPORTUNITY ACT—Resumed

Mr. LOTT. Madam President, with that, I now call for the regular order with respect to the trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

Pending:

Lott (for Roth/Moynihan) amendment No. 2325, in the nature of a substitute.

Lott amendment No. 2332 (to amendment No. 2325), of a perfecting nature.

Lott amendment No. 2333 (to amendment No. 2332), of a perfecting nature.

Lott motion to commit with instructions (to amendment No. 2333), of a perfecting nature.

Lott amendment No. 2334 (to the instructions of the motion to commit), of a perfecting nature.

Lott (for Ashcroft) amendment No. 2340 (to amendment No. 2334), to establish a chief agricultural negotiator in the Office of the United States Trade Representative.

AMENDMENT NO. 2340 WITHDRAWN

Mr. LOTT. Madam President, I now withdraw amendment No. 2340.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. LOTT. Madam President, it is now my hope the Senate can consider trade related amendments to the underlying African trade/CBI bill. We have been encouraging Members throughout this process to be prepared to offer their amendments. I have stated previously it has always been our willingness to have Senators offer these trade amendments. I believe it is time to move forward on this important legislation and complete this bill as early as possible this week.

So I ask consent it be in order for me to send to the desk a series of cleared amendments that I think are about equally divided on both sides. This will be the so-called managers' amendments to H.R. 434. I would say, we would offer these en bloc. There may be other amendments that may need to be offered that are not on this list.

I ask this so-called managers' amendment be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, when I yield the floor, the bill will be open for amendment. An amendment can be offered at this point. In my discussion with Senator DASCHLE, I have indicated if we can get agreement on how to proceed on the trade bill and the bankruptcy bill, on which I think he and I can agree, I will be perfectly willing to take down the tree, too. I want the RECORD to reflect that. I have opened this slot so an amendment is in order. Senator DASCHLE may want to comment on that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, first, while I fully recognize the ability of the Senator from South Carolina to object to this amendment, it is certainly his right. I am disappointed. The majority leader has made, in my view, a major step forward in trying to resolve the impasse. I commend him and appreciate the direction he has now indicated he is prepared to go in an attempt to bring this matter to a close.

The amendment, as the majority leader indicated, is one that includes amendments on both sides. We expressed last week our concern for two things: First, the array of relevant amendments that may not be germane. The majority leader's amendment includes all relevant amendments that, in many cases, if not all of them, are not germane. So unless we get an agreement to add these relevant amendments, we are precluded from doing so.

There are some relevant amendments that still need to be offered that are not included in this package. By taking the tree down, those relevant amendments about which we have been very concerned are still pending and would not be offered if there were objections to offering them or if we were not able to bring them to closure.

The second problem we had, of course, was with nonrelevant, nongermane amendments. In our discussions and negotiations, we have been able to accommodate that concern by working out an agreement on bankruptcy that I find to be very satisfactory that will allow us to take up nonrelevant, nongermane amendments.

I intend to support cloture tomorrow, if that is the only way we can move this forward. I hope our colleagues will do so. It is no longer now a matter of protecting colleagues' rights. We are denied that right, not by the majority leader or by the parliamentary situation, but by individual Senators who are within their rights, of course, to object to proceeding on this bill.

I want to get this legislation finished. I want to do all I can to protect Senators and their rights to offer amendments. Obviously, we will have to find other ways with which to do that. One way or the other, we are going to continue to work to see if we can resolve these difficulties. I appreciate very much the majority leader's effort to get us to this point.

Mr. LOTT. Madam President, in conclusion, I yield the floor and observe the bill is open for amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I remember the distinguished minority leader's plea about protecting the rights of colleagues. Now instead of protecting the rights, we are given our rights on the installment plan. If you get in line for your installment, fine business.

Like the distinguished Senator from New Jersey, he has an amendment that the majority leader was just presenting to grant permanent and normal trade relations status to Albania. Isn't that grand? We have gone from CBI, to the sub-Sahara, and now we are back to Albania. Next thing you know, we will have a Kosovo amendment protecting Members' rights to present amendments. You can get in the back room and work this out.

Here is another one. The Dodd-Ashcroft-Bond amendment that would allow a company with operations in Connecticut and Missouri to obtain the

refund on duties paid on imports of nuclear fuel assemblies. Isn't that wonderful? They can bring up that amendment. That is germane. I am sure it is because down in the Caribbean Basin, they have a lot of nuclear down there, particularly in the sub-Sahara. I have traveled there and I have gone to see all the nuclear plants in Nigeria and Ghana and the Republic of Congo, Brazzaville, the French Congo, and the rest. It is wonderful to see all those nuclear powerplants. That is another germane amendment.

Then the distinguished Senator from Montana has a sense-of-the-Senate amendment that it is the Senate's view that Japan should open its telecommunications sector. Now we have gone from CBI, to sub-Sahara, and we are all the way around to Japan now. With this deal, you can move things around. It is bargain basement time—this sort of parliamentary Filene's that opened up on the weekend. I did not know you could get all of these things over the weekend.

The Roth amendment, the distinguished chairman of the Finance Committee would ensure existing reports regarding trade-related matters are submitted to the Finance and Ways and Means Committees in addition to the committees already designated. We have the Government Operations Committee with jurisdiction in this bill.

Clarification regarding rules of origin for silk products, an amendment requested by the President. Tell him to run for the Senate like his wife.

An amendment requested by the President to clarify the rules of origin regarding silk products. This clarification is part of a settlement reached in a dispute between the United States and the European Union—not sub-Sahara, not CBI, not a Senator, but sooey pig, everybody come, just get whatever you want.

I am ready to deal because I have worked into a position where I can deal now. That is the way trade is treated in the Senate. It is a very sad thing for the main and simple reason we have an extremely important matter not only for textiles but with respect to the general mindset of the National Government.

I have heard time and again on the floor of the Senate how the e-commerce and the telecommunications industry, the information society, the semiconductors, software, Microsoft, and all the rest are an engine that is really barreling this economy forward of the United States. I was very interested in reading over the weekend about the impact. I refer in particular to the October 30 edition of the London Economist:

A study published in June by the Department of Commerce estimates that the digital economy—

That is what they are talking about—

the hardware and software of the computer and telecoms industries—amounts to 8% of America's GDP this year. If that sounds rather disappointing, then a second finding—that it has accounted for 35% of total real GDP growth since 1994, which should keep e-fanatics happy.

Perhaps unwisely. A new analysis by Richard Sherlund and Ed McKelvey of Goldman Sachs argues that even this definition of ''technology'' is too wide. They argue that since such things as basic telecom services, television, radio and consumer electronics have been around for ages and they should be excluded. As a result, they estimate the computing and communications-technology sector at a more modest 5% of GDP. . . .

But what, might you ask, about the Internet? Goldman Sachs's estimate includes Internet service providers, such as America Online, and the technology and software used by online retailers, such as Amazon.com. It does not, however, include transactions over the Internet. Should it? E-business is tiny at present, but Forrester Research, an Internet consultancy, estimates that this will increase to more than $1.5 trillion in America by 2003. Internet bulls calculate that this would be equivalent to about 13% of GDP. Yet it is misleading to take the total value of such goods and services, whose production owes nothing to the Internet. The value added of Internet sales—i.e., its contribution to GDP—would be much less, probably little more than 1% of GDP.

But with the contributions, it has a 100-percent impact on this particular body when we would see it with about 1-percent impact actually on the economy. But politically it has gotten where you pick it up in the weekend news magazines. Time magazine—talking about the move of Fruit of the Loom, with its 17,000 jobs from Kentucky, its 7,000 jobs from Louisiana, going down to the Cayman Islands, with its executives contributing over $500,000 to the Presidential race of Gov. George W. Bush, and others, and of course of, the Democrats. They know how to give to both sides.

But with those contributions, it is not 1 percent of the effect, it is 100 percent, and we come around and start changing the rules. When the computer industry came to town—that was American Online, Gateway, and all the rest of them—our friend Bill Gates, talked all of us. We sat around the table and then rushed out with Y2K legislation. It can't even happen until a couple months from now or more, but we changed all the State tort laws. Why? Because of the contributions.

I think they have an article with respect to just exactly that in the same magazine. Here in the magazine they have taken judicial notice, as we used to say in the law:

The rise of America's high-tech industry is not just a windfall for presidential hopefuls. It could also be a godsend for the liberal political tradition.

But the high-tech industry have come to town now, and they have doubled their effort on all scores.

The Technology Network (TechNet), a political action group founded two years ago in Silicon Valley, has just set up a second office in Austin, and plans to open more chapters in the future—an attempt to influence policy at both state and local level. Companies in Washington, DC—home of America Online, America's biggest Internet service provider, and a city where the computer industry has just taken over from government as the biggest local employer—have also started their own lobbying group, CapNet.

Oh, boy it goes on and on and says, wait a minute, it has the largest contribution group in all of Washington all of a sudden. Five years ago they were not even around.

That is what it says on page 23 of this October 30 edition of the London Economist.

You ought to read these magazines. Somehow, maybe that is what colleagues can do on the weekends. Because if you read Time magazine, if you read the London Economist, if you read the Washington Post, you can find out what influence it can have up here.

The devastating impact, of course, is somehow, really, we ought to get rid of the textile industry and we ought to get rid of all these smokestack industries and everything else. That is what they said to them in Great Britain years ago: that we will go from a nation of brawn to a nation of brains; instead of providing products, we will provide services; instead of creating wealth, we will handle it. Of course, they have gone to second rate. They have the lowest GDP growth and have created two levels of society.

I came over only because of the unanimous consent request. But I have the articles with respect to the U.S. News & World Report, and Mort Zuckerman 2 weeks ago, that I had inserted into the RECORD about how we are going to two levels of society. Now we see the magazines and the title:

The new economy e-exaggeration. The digital economy is much smaller than you think.

It is really a bummer for the main and simple reason it does not create jobs, it does not help with the exports. It is not helping with the growth at all. It is small income growth, and imbalanced mix of jobs, and a poor export prospect. In fact, Eamonn Fingleton, the distinguished author of ''Blindside,'' now has put out his book ''In Praise of Hard Industries,'' and compares exactly the hard industries and their contributions to the economic security and power of a nation compared with the e-commerce or the information society, what he calls the deindustrialization group.

The postindustrial jobs, that is what it is, the postindustrial jobs of people of considerably higher than average intelligence. It does create jobs for the top 2 or 3 percent. You have to be a whiz kid to be one of the 22,000 who work for Bill Gates out there at Microsoft in Redmond, WA. I have had the privilege of visiting there and meeting with those folks.

Right to the point, according to Time magazine, with their stock options, you have 22,000 millionaires. They are well paid. But heavens above, that is not middle America. That is not jobs for everybody. What we are talking about is—of course, the computerization, has assisted—but more than anything else, with robotics we have become a very productive society for not the best IQ laborers in our society but

for normal folks such as you and me who can get the job.

According to Fingleton and Michael Rothchild, 20 percent of the American workforce will be marginalized by the move to an information-based economy. That amounts to a shocking 25 million people. We are not just talking about textiles for the CBI and sub-Sahara. We are talking about the basic, formative industry in America really supporting our society. And with 25 million, they can give you all of these particular statistics about unemployment and otherwise, but I can tell you now, those are retail jobs and part-time jobs for people who have lost their jobs in textiles—some 31,200 in South Carolina since NAFTA—that they have had to seek out as best they can. That is a loss of some 25 million jobs. It is a slow-income growth. For example, the ultimate authority on the income growth or the new economy is the Organization of European Community Statistics and Figures, the Paris-based Organization of Economic Cooperation and Development.

For those who believe in the superiority of the U.S. postindustrial strategy, the 1998 edition of the yearbook makes distinctly chastening reading. It shows, with a per capita income—about $27,821 a year—the United States trails no fewer than eight other nations.

Last week when I was talking about the United States going out of business, look at this: We trail Japan, Denmark, Sweden, Germany, Austria, Switzerland. You can go right on down the list. They are into the manufacturing and the middle class of America. Manufacturing over in those other economies have outpaced the United States in interim growth with 134 percent compared to our 106 percent over the same period. The wages of America's post-industrial workers are generally much higher than the American average. Naisbitt jumps to the completely fallacious conclusion that a general shift by the United States into post-industrialism or the information society will result in a general boost in wages. The fallacy here is that Naisbitt assumes that post-industrial wages are higher by dint of the superior economic virtues. In reality, the high wages paid, such as in the software industry, merely reflect the fact that some businesses generally recruit exceptionally intelligent and capable workers. But it is a very small group of people earning this income.

The leader in income growth, of course, for the entire period from 1980 to 1998 is South Korea, because it has gone, not for high tech, but for hard goods. Of course, they tried to say this information society or post-industrial America is really going to create those jobs, but in truth, it does not. Without those jobs, they have slow income growth and poor export prospects.

We have all been talking about the matter of agriculture, which is a magnificent contribution to our exports. We used to export a lot of hard goods because we manufactured and produced hard goods. Last week, I put into the RECORD that we have really gone out of business with respect to shoes and textiles and machine tools and steel. We are importing steel. Can you imagine—the United States of America is a net steel importer. That is why we have had a hard time getting a ruling. We have had to take the case all the way from the International Trade Administration to the commission and back over to the White House trying our dead level best to save the No. 1 industry important to our national security. But we don't have anything now to export.

When you look to software, you have the language difficulties, the cultural difficulties with respect to that software. You have the proposition of piracy, and they can steal and reproduce immediately this software overseas. This is the most important thing to emphasize because they have people smart enough about software outside of the United States. They assume all of these skills are just here, which is absolutely fallacious. That is why they are trying to change the immigration laws.

The software people are coming up here because they want to take all the smart people the world around and bring them into this country.

Let's talk about Japan, which is supposed to be going broke. That has particularly nettled me, and I am glad to get the exact figures, because they have calculated a controlled kind of capitalism through their Ministry of Finance and their Ministry of International Trade and Industry. They allocate the financing of a particular industry and then they control the local market.

We act as if we have led the way for 50 years on liberal trade and have broken down the barriers, as one of the distinguished proponents said only last Friday. That is why I brought that thick book. Just on textiles alone, barriers persist around the world, specifically in the sub-Sahara and the CBI, specifically no reciprocity in this particular treaty—that is the thing we are trying to emphasize. Those things continue. Japan now is supposed to have gone broke. Let's see how they compare.

The living standards and everything have really improved. In fact, with the so-called almost depression that was described in the Wall Street Journal, there was a less than 4 percent unemployment rate, less than 4 percent in the first 8 years of the 1990s up to early 1999. The highest it had been at any stage was 4.4 percent. Japan's total exports during that period rose by a cumulative 53 percent in the first 8 years. That represents real growth of more than 18 percent.

So Japan is still coming on as an economic superpower at this minute—the little island of 125 million versus the great United States with its 260 million. Japan outproduces the United States of America. If it continues at this particular rate, by the end of next year, 2000, it will have a bigger gross domestic product; it will have a larger economy, the largest in the world.

John Schmitt and Lawrence Mishel pointed out that the per capita gross domestic product actually grew faster in Japan than in the booming United States for the first 8 years of 1990. The distinguished Senator from New York and the distinguished chairman of our Finance Committee started off the debate on Friday that way: What a wonderful economic boom we have had. We have to sober up. We have to look at the real facts.

Actually, our competition is growing much stronger and much faster than we are. Japan's performance has been even better than the comparisons suggest. For a start, the figures measured gross domestic product, whereas the most appropriate yardstick for comparison is gross national product. The distinction, of course, is that the GNP is a more comprehensive measure. Unlike gross domestic product, it takes in account the debits and credits relating to cross-border investments.

The United States has become an increasingly large net importer of capital in recent years. Its GNP is actually now considerably less than its GDP. By contrast, Japan has long been a major net exporter of capital and its GNP is considerably larger than its GDP. These are the kinds of things that have to be taken into consideration. The yen has been gaining a net 24 percent between 1989 and 1998 on the dollar.

I saw that in the Financial Times last week. I put that article in. If we continue with this deficit in the balance of trade, there is bound to be a devaluation. In this regard, if other things are equal, the strength of a nation's currency is the ultimate determinant of the size of its economy, the ultimate symbol of its economic health. In the 1960s, President John F. Kennedy felt so strongly about this that he ranked dollar devaluation alongside nuclear war as the two things he feared most.

Let us get right to a particularly interesting section here: the clearest evidence of the lengths to which Japanese leaders are prepared to go to understate their economy. They know how to talk rather than run around beating their breasts like American politicians saying how great we are, the only remaining superpower. We are going to blow them off the map and, of course, if they don't move with the Air Force, we are not going to invade, or anything else of that kind. It is almost embarrassing, this braggart attitude of United States politicians.

Perhaps the clearest evidence of the lengths to which Japanese leaders are prepared to go to understate their economy's true strengths is in the way they talk about the Japanese Government's budget. All through the 1990s, they have suggested that the government has been running huge deficits—deficits ostensibly intended to stimulate consumption, particularly consumption

of imported goods. So successful have they been in this regard that America's most respected media organizations—organizations of the caliber of the New York Times, the Washington Post, and the Wall Street Journal—have fallen for the story. Thus, year after year, Americans have been treated to a deluge of reports that Japan was supposedly running huge government deficits. In reality, as authoritative figures from OECD demonstrate, Japan was running huge government surpluses. In 1995, for instance, the year when the Wall Street Journal reported that Japan was running a budgetary deficit of 2 percent, the OECD found that the government achieved a budgetary surplus of 3.5 percent. In fact, according to OECD's figures, which were published each year in the widely circulated yearbook OECD In Figures, not only was Japan's surplus one of the strongest of any OECD nation, but Japan was the only major nation that had a budget surplus at all that year. By comparison, the United Kingdom, for instance, ran a deficit of 5.0 percent and America's deficit was 2.2 percent.

Well, this Senator knows better than anyone how they didn't really continue to call deficits surpluses. I put that in the RECORD, and I will put it in the RECORD again time after time. The Department of Treasury's figures showed that they had $127 billion deficit last fiscal year. Now, true it is, they had some carry-over amount, which concluded to be about $16 billion. So, at best, it would be $111 billion to $112 billion deficit—not a surplus. That is the debt of treasury at year end, September 30, 1999, for fiscal year 1999—a deficit, not a surplus. But these newspapers pick this up, and we have almost got a cheering section carrying us into bankruptcy. Continuing to read, it says:

So how strong is the Japanese economy really?

Eamonn Fingleton said, in this book Hard Industries:

From his vantage point in Tokyo, he has seen little since then to undermine his confidence in his analysis. Certainly, he has been vindicated in his central point, which was that Japan's current account surpluses would continue to soar in the latter half of the 1990s, thus, giving the lie to much talk in the American press in the mid-1990s that Japan's export industries would be disastrously hollowed out by South Korea and other low-wage East Asian nations.

. . . the truth is that, at last count, Japan was producing $708 billion in new savings a year—or nearly 60 percent more than America's total of $443 billion.

They are saving twice as much.

. . . Japan's net external assets jumped from $294 billion to $891 billion in the first seven years of the 1990s. By contrast, America's net external liabilities ballooned from $71 billion to $831 billion.

Madam President, the reason we continue to give these figures with respect to this particular bill is that we are in deeper trouble than most Senators realize. They are all talking about whether they are human, or whether they have on an overcoat, or a jacket, or whatever nonsense it is about running the campaign, and who all is for education. Everybody is for education and wants smaller classrooms, or better math and science programs. We finally got, again—in the U.S. News and World Report, from David Gergen, he got back to my particular premise, that what we ought to do is double the teachers' pay. You get what you pay for. Average pay is $37,000. The average pay in my State is down to $31,000. I see the young graduates coming across the stage and they say: Senator, I would like to have gone into teaching, but I could not save enough money to send my children to college. Yet, we are bumping into each other, saying how we are all for education. We can be all for it or all against it. The most you are going to spend is 7 cents out of every dollar. It is a local matter. We are Senators and we have to get on to the things the local and State governments do not take care of, and that is trade. That is the economic strength and viability and security of the United States, the sustenance of the middle class. That is why I am talking about these particular figures.

In the first seven years of the 1990s, America's current account deficits totaled $726 billion, up 79 percent. Thus, despite a massive devaluation of the dollar that supposedly brought a dramatic turnaround in American competitiveness that would soon dispose of the deficits for goods.

Madam President, for the first 8 years of the 1990s, Japan's current account surpluses totaled $750 billion. That was more than 2½ times the total of $279 billion recorded in the first 8 years of the 1980s. So all during the '90s, we have been reading and telling each other these fairy tales. One, that the information age is upon us and the information society, and post-industrialism has taken over. The computer software and so forth is the engine of the economy that is barreling us forward into global competition. False. It is taking us down into very precarious straits. We are relying upon it, and we are going to eliminate the middle class and the workforce of America. Otherwise, we have been told time and time again about how Japan has been going down and we have been going up. We have had 8 years of the boom, with the lowest inflation, the lowest unemployment; but we have been giving away the store.

Mr. President, I wasn't prepared to get into this general item this afternoon, but it is salutary that we were able to touch on it so we can talk sense to the American people, because what we have with the CBI, the sub-Sahara bill, is an extension of NAFTA to the Caribbean Basin Initiative; and so the sub-Sahara. If you are in with or close to the leadership, you can take care of Japan, Albania, and operations in Connecticut and Missouri to refund some money on nuclear fuel assemblies. You even can get a distilled spirits tax fixed.

You watch it.

I am going to present an amendment to put side agreements that we had on NAFTA on this particular bill, and you can bet your boots they will stand down there and say it is not germane, having had the audacity to come in with nuclear, Japan, Albania, distilled spirits, and what have you, but not take a formative, relevant, serious concern that we have on this particular bill.

I didn't like NAFTA. But, be that as it may, it had side agreements on both the environment and labor. I have a side agreement to present on the environment. I want them to allow us to vote on that side agreement for the CBI and the sub-Sahara. I want them to let us vote—at least a vote. Don't get here with a technicality after you have sneaked in all your Japanese, Albanian, Missouri, and nuclear amendments here this afternoon when nobody is in town and then come tomorrow when the Senate is in full session and say, oh, no, that is not germane; we have rules of rules. They will get to be rules of rules tomorrow. One is reciprocity. We have tariffs that are being really merged out and disassembled out because under the Multifiber Arrangement we had a 10-year blend-out of it and a termination. So now we are entering the last 5 years.

But there are still some tariffs that ought to be reconciled with the CBI and the tariffs in the sub-Sahara, so we can get some modicum of reciprocity when they talk about the trade adjustment assistance. That takes gall to do that. They say it is unconscionable to oppose this bill. I will say it takes gall to talk about trade adjustment assistance, which is nothing more than welfare payments putting people out of work.

So they say: Hurry up, we have to get this bill done because we have 200,000 of those put out of work who have lost their jobs as a result of these silly trade agreements—these one-way streets that the Senate has ratified and agreed upon. You wouldn't have to have trade adjustment assistance if you just let them trade, if you just let them work, and not put them out of business.

But the great merit, according to the senior Senator from New York, on this particular measure is, back in Kennedy's days, 37 years ago, we passed trade adjustment assistance. I don't want that to infer that John F. Kennedy was against textiles. Thirty-eight years ago, President John F. Kennedy put in his seven-point textile program and one-price cotton looking out for the cotton farmer.

So the Senator from Massachusetts, then President, was very aware of the economic viability of these United States of America. He knew what was keeping the country strong and what was necessary to keep the country strong. So he put that in. He wasn't bragging about having to put in trade adjustment assistance. He was just trying to reconcile the successful United States at the time with the other trading nations, giving them a chance under the Marshall Plan to rebuild their economies.

At that particular time, they said to me, as Governor: Governor, what do

you expect these Third World emerging nations to make? Let them make the textiles and the shoes, and we will continue, and we will make the computers and the airplanes. My problem now, in November 1999, is those countries are making 86 percent of the shoes worn on the floor of the Senate. I can see them now. These countries also are making two-thirds of the clothing that I see, looking at in this Chamber, imported into the United States.

Look at the contracts made by USAir and all of the other airlines concerning Airbus. They are making the planes and dumping them here in the United States. They are making the computers and dumping them in the United States. The Japanese have taken over the computer industry, in spite of Sematech, in spite of Microsoft, in spite of Intel.

We have to be not pessimists nor optimists but realists.

Here on the floor of the Senate is a good moment to really bring everything into focus because the leadership said we are now going to vote cloture tomorrow and the minority leader is not going to ask them to vote against it. That is exactly how NAFTA was passed.

I will never forget the New York Times article. I wish I had it. But I will try to get it and put it in the RECORD tomorrow. But in NAFTA, the President then just bought off the sufficient votes to pass NAFTA. I will never forget. He gave a cultural exchange to my friend, Jake Pickle of Texas. He gave two C–17s to another Texas fellow. He gave another particular freebie, and they went down with the 26 giveaways to pick up the 26 votes.

Here on this solemn afternoon, we have the same deal going. They are buying off the votes. They are getting it on nuclear fuel assemblies. We are getting it on the Japanese telecommunications. We are getting it on Ways and Means and Finance Committee rules. We are getting it on silk products of the United States and the European Union. We are getting it on Albania. We just go right down—on Kyrgyzstan. What in the world? Kyrgyzstan. I don't know about that. Now we are in Asia Minor. I am almost at Bible school. Asia Minor. This procedure has gotten to be a disgrace. They buy enough votes and they win. They have 11 of them listed here on the so-called managers' amendment. So they put them all in there and take care of those 11 votes so they will know that they will get cloture.

It is wonderful to serve in this body.

But it is better to be heard because it is important that we be heard. I can tell you here and now, when the ATMI wakes up, the American Textile Manufacturers Institute, and they put in the sub-Sahara along with the CBI, I want to see them at that party. They are going to hold a victory party because they supported this particular bill. That is going to happen. That is exactly what is going to occur. You can see the fix is on. They are going to roll over this particular Senator and get rid of what little textile industry we have left.

There will be a few of the real competitors; the Roger Millikens will last. They put money in, and they know how to run an industry and they will survive. But generally speaking, they can't survive. The reason they can't survive is on account of us. We Democrats, we Republicans, we Senators and Congressmen have many requirements called the American high standard of light. That standard calls for Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, clean air, clean water, all of these things, labor rights, and otherwise. And it is one of these things in the global competition that is not required. On the other hand, they have the comparative advantage of their governmental policies.

I wish Ricardo were here because he didn't think finance could be transferred so easily, that the bankers would all stay close to their home folks and depositors. Now you can transfer it on satellite by computer, in a flash, and you can get capital anywhere. You can send on a computer chip the technology and save 20 percent of your labor costs by moving to low-wage offshore countries. So a company in the United States with $500 million in sales can save 20 percent, or $100 million, by keeping its main office and its sales force here in the United States, send its manufacturing to a Third World, low-wage country, and make $100 million, or they can continue to work their own people and go broke because of competition.

That is why on last week I inserted part of an important book in the RECORD. I will get that book again and show you that all of them are leaving here in the United States—Dan River, the corn mills, Burlington, all of them are going down. It is not the sewing operations alone, it is fabric plants, and, of course, the Japanese, the Koreans, and, most of all, the Chinese, the People's Republic of China.

They are whining on the other side of the aisle about most favored nation for China. Look at a most-favored-nation Chinese vote and anyone will see a vote for this bill.

China, we have sub-Sahara; put up the front companies and put up the production of the People's Republic of China through the sub-Sahara.

The arrangement that those folks relied on some 5 years ago; they better batten down the hatches because I don't know how they will get the money out of the machinery and survive with this particular measure. It is drastic. It is unconscionable. They say we are unconscionable; I say they are unconscionable.

We can see how the majorities are fixed. We have not had any real debate on the floor of the Senate on trade as a matter of national policy or otherwise. They say the President wants this; the minority leader says it is his duty to give the President what he wants. The other side of the aisle has been wanting to do away with all kinds of trade agreements and market forces, and Adam Smith has long since gone in this global competition. It ought to depend on market forces. They depend on protection. Of course, so does the other side of the aisle when it comes to intellectual property, movies, books, copyrighting, when it comes to protecting the talents of the individual producers, the authors, writers, singers, and performers. Fine, let's have protection for them. But for those who work by the sweat of their brow, that is protectionism and a terrible thing. We are isolationist and we are unconscionable.

Maybe they will have another consent agreement similar to this one, and I will have another opportunity to talk. I appreciate the indulgence of my colleagues this afternoon.

Mr. BAUCUS. Mr. President, I am proud to stand on the floor of the world's greatest deliberative body. I've been proud every time over the past twenty years that I have had this privilege. I can think of no greater honor than to discuss with my Senate colleagues issues of vital importance to our nation.

So I am deeply distressed that I have not yet had an opportunity to discuss important trade issues. Last week, the majority leader chose to cut off consideration of amendments to the Africa bill, the only trade bill which will reach the floor of this honorable body. That bill included amendments which had bipartisan support. Because of this bizarre process, we can't even act on Senator HARKIN's amendment to combat child labor, which has widespread support.

I had filed two amendments to the bill, both of them trade-related. Both of them issues which are extremely important to Americans. I am very disappointed that we were locked out of discussing them. However, with the new filing of cloture, I hope that we may have the chance to talk about these important matters.

One of the amendments allowed for tariff cuts on environmental goods as part of a global agreement in the WTO. The measure has the support of both business and environmental groups. This is a rare instance where both sides of the trade-environment debate agree on something. It's a shame that the Senate cannot move forward on something so sensible.

The second amendment concerned agricultural subsidies. American farmers are the most productive in the world. But they're being frozen out of foreign markets by European and Japanese subsidies. I filed an amendment that would fight back by funding our Export Enhancement Program.

This amendment required the Secretary of Agriculture to target at least two billion dollars in Export Enhancement Program funds into the EU's

most sensitive markets if they fail to eliminate their export subsidies by 2003. It's time to start fighting fire with fire. This ''GATT trigger'' should provide leverage in the next round of the WTO in reducing grossly distorted barriers to agricultural trade.

I voted against cloture last week because I objected to the way the majority leader handled the bill. I was denied the ability to do what the people of Montana sent me here to do. But I support the bill itself. I support each of its elements—the Caribbean Basin Initiative, the Africa Growth and Opportunity Act, and the renewal of both Trade Adjustment Assistance and the Generalized System of Preferences.

I have long supported efforts to extend additional tariffs preferences to the Caribbean Basin. But with conditions. The benefits should be conditioned on the beneficiary countries' trade policies, their participation and cooperation in the Free Trade Area of the Americas (''FTAA'') initiative, and other factors. This trade bill is substantially similar to the version I supported in the 105th Congress with some reservation.

I see a flaw in the bill, however, and would like to work to repair it. The bill suggests criteria the President can use when deciding whether to grant CBI benefits. It is a long list of about a dozen items. Criteria like Intellectual Property Rights. Investment protections. Counter-narcotics. Each one is important. The bill should make these criteria mandatory.

In particular, I believe that the President should be required to certify that CBI beneficiaries respect worker rights, both as a matter of law and in practice. We can't maintain domestic support for open trade here at home unless our programs take core labor standards into account.

We want to help our Caribbean neighbors compete effectively in the U.S. market. But we don't want them to compete with U.S. firms by denying their own citizens fundamental worker rights.

It only seems reasonable that as we help the economic development of these nations, we also help them enforce the laws already on their books. The majority of these countries already have the power and only need the will to ensure that their citizens see the benefits of enhanced trade—decent wages, decent hours and a decent life.

Overall, I believe that CBI parity is the right thing to do—if it does what it is intended to do. That is lift the people of the hurricane devastated countries out of poverty and ensure them a better way of life.

I also believe that the U.S. must lead by example. Sensitively to labor and environment must play a role in our trade decisions and actions around the world.

It's tragic that partisan politics keeps the United States Senate from taking these actions.

I have the same concerns about labor in terms of the African Growth and Opportunity portion of the bill. But I supported the Chairman's mark, which included a provision requiring U.S. fabric for apparel products produced in eligible sub-Saharan African countries.

Developing markets is in the best interest of us all. And the trade bill would help Africa move in that direction. But this bill is about more than trade. It is about hope.

It is about bringing the struggling nations of Sub-Saharan Africa into our democratic system. It is about establishing stability and a framework wherein the citizens of these nations can enjoy the fruits of prosperity. It is about building a bridge between the United States and Africa that will be a model for all nations.

The third part of the bill renews the Trade Adjustment Assistance Program. This program is vital to help our workers adjust to the new forces of globalization.

I have seen the effects of this program in Montana. We have been well served by the efforts of Gary Kuhar, Director of the Northwest TAA Center in Seattle, Washington.

Impact on Montana—Montana currently has six firms affected by TAA funding, including:

Montana Moose—Christmas ornament operation,

Ranchland—a cattle operation,

Mountain Woods—furniture designer,

Western States—pellet operation,

Sun Mountain Sports—manufacturer of golf bags and other ripstops,

Burt and Burt—wind chimes, and

Kahlund Enterprises—picture frames producer.

In fact, the renewal of Trade Adjustment Assistance translates to 330 Montana employees impacted and approximately $44 million in gross annual sales preserved.

This legislation is long overdue. While we delay, certified firms anxiously await funding. This is fundamentally unfair—especially for firms fighting import competition that is beyond their control.

They cannot afford to wait while TAA is caught up in the annual battle for funding as the ''perennial bargaining chip'' for other trade proposals. That's just ineffective government. It's time to pass this legislation.

Finally, let me say a word about GSP renewal. This is the fourth part of the trade bill. This is also a question of effective government. Over the years, the program has lapsed periodically when renewal legislation was delayed. The latest lapse occurred on June 30. Four months later, we still haven't acted on its renewal.

Who gets hurt? Not just foreign companies. A lot of American firms get hurt. That includes both American importers and exporters. A lot of the American firms produce abroad and then export to the United States. Much of this is internal company trade. That's the reality of today's global economy.

When GSP lapses, these companies are suddenly required to deposit import duties into an account. Customs holds the money until renewal legislation is signed. Eventually the companies get their money back. But they don't know how long renewal legislation will take. So they don't how much they'll have to set aside, or how long the money will it be in escrow.

How can we expect businesses to operate efficiently under such conditions? These cycles of GSP lapsing and then being renewed represent government at its worst. We have a responsibility to provide business and consumers with a consistent, predictable set of rules. We need to fix this GSP lapse as quickly as possible.

Mr. President, a lot of effort, a lot of thought, a lot of time has gone into this bill. Much time has also gone into formulating amendments. It was a great disappointment to see this effort unravel over partisan politics. We may have a second chance this week. Let's not squander the opportunity. We can and should work together to pass this bill.

We were elected to his body to pass legislation not to bicker. Let's do what the people sent us here to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Madam President, I ask that we return to morning business for a period of 30 minutes for remarks on the Labor-HHS conference report.

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

## D.C./LABOR-HHS APPROPRIATIONS

Mr. GRAHAM. Madam President, the business before the Senate will soon be the conference report on Labor Department and Health and Human Services and Education appropriations bill. We are now considering various trade measures. Since we will be taking up the D.C./Labor-HHS conference report tomorrow, I appreciate the Presiding Officer's generosity in allowing me to discuss this very important piece of legislation.

I think it is fair to describe that one night within the last few weeks, through back-door negotiations, various members of the Senate and House of Representatives Appropriations Committees crafted the conference reports that we have before us today. The end result was that a very large elephant, weighing $313.6 billion, The Labor/HHS conference report, being placed upon the back of a relatively small and not particularly compliant ant weighing $429 million, the District of Columbia's Appropriations bill.

Out of that marriage of elephant and ant, we now have before the Senate the

conference report on the District of Columbia with the enormous addition of a $313 billion of Labor-HHS ''rider''.

Unfortunately, when these bizarre marriages occur, the public interest is not necessarily served. This parliamentary tactic has stolen from Members of the Senate the right to offer motions instructing the conferees on how we believe they should proceed in conference. We have also lost the right to challenge the existence of authorizing legislation on an appropriations bill during the process of negotiation between the two Houses. There will be no opportunity for Congress or the President to independently consider the Labor, Health and Human Services and Education Appropriations bill. While one is an elephant and one is an ant, they are both important and deserve separate and distinct consideration.

There is not the opportunity to protest the inclusion of items which were not included in either the Senate or the House bill, or were so altered as to be unrecognizable. This bill is purely the creation of that late-night negotiation. This lack of democracy has allowed the will of a small minority to triumph on a variety of provisions of great importance. I will take the opportunity this afternoon to focus on only two of the issues that are a part of this marriage of elephant and ant: First, the proposal to terminate competitive bidding for Medicare's payment of health maintenance organizations' reimbursement; and, second, preventing the Congress from fully funding the Social Service Block Grant Program.

Let me begin the discussion with the absconding of funds from two congressionally authorized competitive pricing demonstrations. This takes us back 2 years to 1997 during the consideration of the Balanced Budget Act. Both Houses of Congress voted to create demonstration projects based upon community participation in an attempt to learn more about how HMOs, which provided services to Medicare beneficiaries, could be priced; that is, how the amount of that reimbursement from the Federal Government could be determined by competitive bidding.

In order to understand what this issue is about, I am afraid some discussion of how HMOs currently are priced when they provide services for a Medicare beneficiary is required. In a simplified form, the way in which an HMO receives reimbursement when it provides funds to a Medicare beneficiary is a function of how much is paid within that county for fee-for-service payments. While there are some modifications to this overly broad statement, basically if, let us say, in a particular county the average payment for a fee-for-service Medicare patient is $5,000, then the HMO is reimbursed at, more or less, 95 percent of that level, or $4,500. There is some blending of the national fee-for-service rate and the local fee-for-service rate, but as of today, and in the past and in the immediate future, the description I have given is essentially an accurate representation.

What has been the result of this reliance on a percentage of fee-for-service within a narrow, local area on the amount that HMOs are reimbursed? It has resulted the fact that in many areas of your State and mine, where fee-for-service charges are relatively low—that is particularly true in rural areas—there are no HMOs. Why? Because HMOs cannot economically justify operating with the reimbursement levels they would get based on 95 percent of those relatively low fees for service.

On the other hand, in some areas which have very high fees for service—for instance, an area that has a large tertiary hospital, particularly one associated with a medical school where costs tend to be very high because of the nature of the service they provide—that community will have a high fee-for-service rate. Therefore, 95 percent of that high level will result in high reimbursement levels for HMOs. So, you have not just one HMO, but typically many HMOs that want to compete to get that fixed-formula-based percentage of fee-for-service reimbursement.

The purpose of the 1997 action of the Congress was to try a different model; to not rely on this central planning use of fee-for-service but rather go out and test the marketplace. What will the market in a rural area say is called for to engage managed care as an option for Medicare beneficiaries? What is the appropriate level of HMO reimbursement in a large urban area with high fee-for-service costs? That was the purpose of this competitive bidding demonstration project.

The Balanced Budget Act, in conjunction with the Health Care Financing Agency, set up a structure which included area advisory committees. These committees consisted of health plans, providers, and beneficiary representatives. It was decided the two communities in which demonstrations would take place were Kansas City and Phoenix. The function of the area advisory committees was to recommend how to best implement the competitive pricing demonstrations in these two communities.

Unfortunately, in the bill that will be before us tomorrow, the bill that the conference has reported as the funding for Departments of Labor, HHS, and the District of Columbia, all funding for these two demonstrations in Kansas City and Phoenix has been removed, removed by those who do not want to find out if there is a means to use the competitiveness of the marketplace to arrive at what should be the appropriate reimbursement level for health maintenance organizations.

Experience has shown us in other areas of the Medicare system that there is the potential for preserving high levels of quality and saving money by using the dynamism of the marketplace as determined by competitive bidding. Let me use an example from my own State. One of the other provisions in that 1997 Balanced Budget Act was to set up competitive bidding on the Part B, or hospital component of Medicare, as it related to a variety of items, including durable medical equipment. The demonstration for durable medical equipment was settled to be in Lakeland, FL.

In its first year, this project has substantially reduced the amount Medicare pays for the five products that were included in the demonstration, and in that one community has saved Medicare approximately $1 million.

What are the areas that are being competitively bid? Let me say that these products, durable medical equipment, for most of America today are the subject of a price list. It would be as if you suddenly needed, let's say, a wheelchair—you had broken your leg and you had to have a wheelchair for temporary use—and the way you would pay for that wheelchair, or decide what was the appropriate rental for the wheelchair, was to have Government give you a price list and say this is what thou shalt pay to purchase or lease that wheelchair. That is exactly what Medicare does today for a list of hundreds of durable medical equipment items. So we are going to find out, was there a different way to establish what those prices should be? Was there a means by which we could use the marketplace to set the price? That was the purpose of the demonstration in Lakeland, FL.

What results? Competitive pricing has reduced the price of oxygen supplies and equipment by 17.5 percent over what was on that price list, for exactly the same oxygen supplies and equipment. Competitive bidding for hospital beds and ancillary hospital items has been reduced by 29.8 percent by competitive bidding as opposed to the price list. For enteral nutrition, where a person is taking his or her nutrition through intravenous means rather than more normal oral means, the price of that has been reduced by 29.2 percent as a result of competition, rather than using the price list. Surgical dressings have been reduced by 12.9 percent, and urological supplies by 20 percent. All of these savings were accomplished by the use of competitive bidding as opposed to relying on almost a Soviet system of a prescribed price list.

It is estimated, if this Lakeland demonstration were to be applied on a nationwide basis and applied to a broader range of items that are just as susceptible to competitive bidding as the five which were selected for the demonstration in Lakeland, we could save the Medicare programs over $100 million a year. The Medicare program is a big program, but even for that big program, even for the Federal Government, saving $100 million a year is an important achievement.

It is interesting that, while we are about to take a vote on whether we

should terminate even a demonstration on competitive bidding to establish the appropriate price for HMO reimbursement, we are applying competitive bidding in other areas. We are using the competitive marketplace, rather than centralized planning, to determine what is a fair price.

For example: In 1998, Congress reformed the means by which national parks reimbursed their concessionaires. To put it more accurately, the concessionaires paid for the privilege of operating within one of our national parks. Previously, prior to 1998, concessionaires had a preferential right of renewal allowing them to match any other offers, thus eliminating competition.

You can imagine if, Madam President, there were a firm which had a concession in a national park in your beautiful State of Maine and they knew that in order to keep that concession, all they had to do was match any other competitor who would deign to try to take the concession. That would not encourage very many people to go to the effort of offering a competitive bid because they knew all the incumbent concessionaire had to do was just match their best price and they would continue to have the concession.

In 1998, we changed the system. We said we would go to an open, competitive bidding process and let those who could offer the highest quality and the best return to the park system be the concessionaires.

Yesterday, I had the privilege of visiting Bandelier National Monument in New Mexico. It exemplified the concession's contract law's positive effect on the national parks system. The new concessionaire improved the quality of products and provided such things as handicapped access to facilities that had not been available previously.

We can anticipate that the rates of return to the Government at Bandelier and other national parks will increase because we have a good example at Yosemite National Park. At Yosemite, the application of competitive bidding resulted in almost a 15-percent increase in the rate of return to the Government of the lease of their various concession facilities.

I commend Senator CRAIG THOMAS, our colleague, who was the leader in assuring this movement towards a fair price and quality goods and services for the users of our national parks. Unfortunately, the zeroing out of funds for competitive bidding demonstrations in Phoenix and Kansas City, as this conference report on the Labor-HHS/District of Columbia appropriations will do—it ensures that we will never know if we can achieve similar savings in the Medicare+Choice Program; that is, we can never know there will be a better, fairer way of reimbursing health maintenance organizations, which provide services to Medicare beneficiaries than what we are getting today through this percentage of fee-for-service formula.

Here is a riddle for the Senate to answer: Why would the appropriators eliminate funding for a program that saves money without harming quality, that gives us the opportunity to learn if there is a free-enterprise approach to reimbursing HMOs as opposed to a socialist approach?

Madam President, it does not take a Sherlock Holmes to solve this mystery.

Chapter 1 of our mystery: It is July, 1999. The United States spends a full week debating managed care reform. The end result of this debate is vapid, weak legislation that impacts less than one-third of all Americans whose health care is covered by HMOs. It has weak standards on issues such as emergency room, access to specialists, a woman's right to use an OB/GYN as a primary physician, the right to continue to use a doctor if an HMO changes its plan. The legislation the Senate passed earlier this summer also had very limited enforcement and no right to sue.

It is interesting that the House of Representatives has written a different chapter with a much stronger and more effective bill of patients' rights when they are members of a health maintenance organization.

We have a second chapter in our book. The Senate is about to eliminate two demonstration projects that will allow us learn whether the marketplace might be an appropriate determinant of how Medicare HMOs should be reimbursed. Chapter 2 continues with the Senate Finance Committee designing a bill to give funds back to providers who have made the case they have been negatively, excessively impacted by the Balanced Budget Act of 1997. It is the same Balanced Budget Act that weaves its way through this whole volume.

What does the Senate Finance Committee decide to do? Nearly one-third of the money that will be provided back to physicians, hospitals, home health care agencies, skilled nursing facilities —a whole variety of medical providers—nearly one-third of the total money goes to the health maintenance organizations that provide services under the Medicare+Choice Program.

The irony is that only about 15 percent of the beneficiaries of Medicare receive their health care through a health maintenance organization. The remaining 85 percent of Medicare beneficiaries get their Medicare through the traditional fee-for-service system; that is, they make an unrestrained choice as to what doctor they want to see and then receive the services of that physician, and they, along with Medicare, then reimburse that physician.

The 85 percent of Medicare beneficiaries who use fee for service get only two-thirds of the additional payback money. Clearly, there is something fishy about the way these critical funds, intended to allow for the providers of health care to Medicare beneficiaries avoid draconian cuts in their service levels, were divided. Clearly, there is something amiss when one-third of the money in the Balanced Budget Act ''add back'' measure goes to one-sixth of the Medicare beneficiaries.

Adding to this peculiar situation is the Congressional Budget Office's estimate that up until the end of this decade, the number of Medicare beneficiaries receiving their reimbursement through an HMO will still be less than the one-third of the total Medicare population. Yet, one-third of the money in the Balanced Budget Act ''add back'' bill is allocated to Medicare HMOs.

Chapter 3: A Republican Member of the House of Representatives introduces a bill to give doctors the right to collectively bargain with HMOs. The chairman of the Judiciary Committee brings this bill up before his committee for consideration. What happens? Let me read from the Daily Monitor of Wednesday, October 27. I ask unanimous consent that this article be printed in the RECORD immediately after my remarks.

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

(Exhibit 1.)

Mr. GRAHAM. Under the headline ''GOP Leaders Order Hyde To Kill Bill On Doctor Bargaining'':

Managed care lobby pushed to halt measure allowing doctors to negotiate with health plans.

After an intense lobbying campaign by managed care plans, House GOP leaders have killed for this year—at least—a bill that would allow doctors to bargain collectively with health plans.

The bill (H.R. 1304), sponsored by Tom Campbell, R-Calif., had been scheduled for a markup in the House Judiciary Committee Tuesday. But Speaker J. Dennis Hastert, R-Ill., on Monday asked committee Chairman Henry J. Hyde, R-Ill., to yank it.

''It won't be dealt with this year,'' Hyde said. ''The leadership decided that they were involved with other health care issues and this was the. . .one that broke the camel's back. It's extra weight on a complicated issue. They felt it was another area of focus they don't need right now.''

On Oct. 7, after months of heated negotiations and debate, the House passed a broad patients' rights measure (H.R. 2723, later H.R. 2990) after voting down a much narrower package backed by Hastert. The issue has long been a thorn in the side of the GOP leadership, which favors allowing the marketplace—rather than government—to regulate managed care.

The Campbell bill would for the first time allow independent doctors who contract with health plans to bargain collectively on everything from fees to who determines the treatment a patient receives. Health insurance groups strongly oppose the bill, arguing that doctors would be able to fix prices and drive up health insurance premiums. Doctors, led by the American Medical Association, backed the measure. They say health plans are beginning to monopolize the patient market, and that doctors often have no choice but to sign restrictive contracts in order to stay in business.

Hyde said that, along with Hastert, rank-and-file members who had been contacted by the health insurance industry asked him to pull the bill.

The chairman said he still wants to pursue the issue in the future but could not say if he would ever mark up the Campbell bill. ''I don't know,'' he said. ''I'm interested in doing something with the difficult relationship between doctors, HMOs and insurers. I don't think the problem will go away, nor will our responsibility [to address it].''

We have had the HMO industry delude, almost to total lack of effectiveness, the Patients' Bill of Rights in the Senate. We have had the industry increase its reimbursement at twice the rate that fee-for-service medicine is having its reimbursement increased as a part of the Balanced Budget Act ''add-backs'' legislation that we will soon be considering. We have had the House kill a bill to allow doctors to collectively bargain when they negotiate with HMOs. And now, after the HMOs have said what they want is to have the marketplace, not Government, run their business, they seem to have said they do not want to participate in the competitive bidding process to determine their levels of reimbursement. It appears that they would rather rely on the socialist-based theory of percentage of fee-for-service cost.

The managed care industry has successfully used its influence to move forward one of its key policy objectives: To strengthen Medicare managed care at the expense of Medicare fee for service. You might think that my statement is extreme, but I assure you it is accurate.

The policy objective is very clear. Using the words of the former Speaker of the House, Speaker Newt Gingrich, which he used to describe his view of Medicare reform, I quote from an Associated Press article of July 30, 1996, in a speech given to the Health Insurance Association of America. This is what the Speaker said:

We don't get rid of it [Medicare] in round one because we don't think that's politically smart, and we don't think that's the right way to go through a transition. But we believe it [traditional Medicare] is going to wither on the vine.

''Wither on the vine.''

If you had to have a series of events that all had as their common objective diverting energy, resources, and attention away from the program where 85 percent of the Medicare beneficiaries receive their health care services towards the program where 15 percent receive their health care services—and nobody is estimating that within the next 10 years any more than 30 percent of the Medicare beneficiaries will receive their health care through HMOs—you couldn't have had a better strategy than the chapters that we have either written or are in the process of writing in the Congress in 1999.

On behalf of the 39 million Medicare beneficiaries in America today, and the millions more who will rely on the program tomorrow, I pledge to make certain that when Congress embarks upon true Medicare reform it will be focused on what is best for all beneficiaries, both fee-for-service and Medicare+ Choice participants alike.

We must reverse the course of this Congress. This Congress has shielded HMOs from patient protections, balanced negotiations with physicians, and competition in pricing. This Congress has rewarded HMOs with one-third of the additional money for one-sixth of the Medicare beneficiaries. And this Congress has refused to enhance the fee-for-service programs for 85 percent of the Medicare beneficiaries.

This Congress can begin to reverse this record by sustaining the President's veto of the outrage which describes itself as the Labor-HHS/District of Columbia appropriations bill. I am confident that the President will reject this legislation. We will have our next opportunity when we sustain his veto.

Madam President, having talked about just one of the outrages in this bill, let me turn to a second. That is the funding of the social services block grant.

On September 30, by a 57–39 vote, the Senate placed its strong bipartisan support behind the continued funding of the Social Services Block Grant Program at its authorized level of $2.38 billion.

The Social Services Block Grant allocates funds to States, enabling them to provide services to vulnerable, low-income children and elderly, disabled people. The Social Services Block Grant is a mandatory program established under Title XX of the Social Security Act.

The purpose of Title XX is to intervene with vulnerable populations before they reach the point of disability or other condition that might make them eligible for a Social Security entitlement program.

In 1996, the Senate Finance Committee joined the House Ways and Means Committee, and then the full Chambers, in promising that this program of social services block grants would be funded at the authorized level of $2.38 billion for the fiscal year 2000. In fact, we made a commitment to the States that the social services block grant would be guaranteed at the $2.38 billion annual level until welfare reform was fully completed in the year 2002.

When this commitment was recommended to be breached by the Senate version of the Labor-HHS appropriations bill, on September 30, the Senate stood up, and by that vote of 57–39 voted to restore full funding to comply with our commitment to our constituents and to the States.

Once again, the appropriators have nullified our vote. They have voided our promise to the States. In the conference report that will be before us, the Labor-HHS/District of Columbia appropriations bill, the Social Services Block Grant Program will be recommended for funding at $1.7 billion—over a half billion dollars below what is our authorized level, what is our commitment to the States. This figure is below what was approved by the Senate. This figure is also below the $1.9 billion that the House Labor, Health and Human Services and Education Appropriations Subcommittee approved for this program.

The raiding of the Title XX program should serve as an example of what can happen when a program is block granted. Our experience with the social services block grant should serve as a red flag as we structure other social services funding.

Those, for instance, who might succumb to the siren call of block grants for education should take note. A Federal program which serves a largely politically voiceless group of Americans, as Hubert Humphrey described, those who live in the dawn of life, our children, those who live in the twilight of life, our elderly, and those who live in the shadows of life, the disabled, these are the Americans who will be at risk, just as they are at risk today with the slashing of funding of the social services block grant. They will be at risk if we move towards the same pattern of funding for important national programs such as education. Because they will not have the HMOs' lobbyists, they will not have the PACs to represent their interests, to ensure they get their share when the Federal largess is divided, they are likely to get the scraps that are left over.

I urge the President of the United States to veto this legislative elephant which is squashing the ant. I urge that he veto the legislation that would fund the Departments of Labor and HHS, and the District of Columbia because we, the Congress, can do better. We need to be given the opportunity and the challenge to do so.

EXHIBIT 1

[From the CQ Daily Monitor, Oct. 27, 1999]

GOP LEADERS ORDER HYDE TO KILL BILL ON DOCTOR BARGAINING

(By Karen Foerstel)

After an intense lobbying campaign by managed care plans, House GOP leaders have killed for the year—at least—a bill that would allow doctors to bargain collectively with health plans.

The bill (HR 1304), sponsored by Tom Campbell, R–Calif., had been scheduled for a markup in the House Judiciary Committee Tuesday. But Speaker J. Dennis Hastert, Ill., on Monday asked committee Chairman Henry J. Hyde, R–Ill., to yank it.

''It won't be dealt with this year,'' Hyde said. ''The leadership decided that they were involved with other health care issues and this was the . . . one that broke the camel's back. It's extra weight on a complicated issue. They felt it was another area of focus they don't need right now.''

On Oct. 7, after months of heated negotiations and debate, the House passed a broad patients' rights measure (HR 2723, later HR 2990) after voting down a much narrower package backed by Hastert. The issue has long been a thorn in the side of the GOP leadership, which favors allowing the market place—rather than government—to regulate managed care.

The Campbell bill would for the first time allow independent doctors who contract with health plans to bargain collectively on everything from fees to who determines the treatment a patient receives. Health insurance groups strongly oppose the bill, arguing

that doctors would be able to fix prices and drive up health insurance premiums. Doctors, led by the American Medical Association, back the measure. They say health plans are beginning to monopolize the patient market, and that doctors often have no choice but to sign restrictive contracts in order to stay in business.

Hyde said that, along with Hastert, rank-and-file members who had been contacted by the health insurance industry asked him to pull the bill.

The chairman said he still wants to pursue the issue in the future but could not say if he would ever mark up the Campbell bill. ''I don't know,'' he said. ''I'm interested in doing something with the difficult relationship between doctors, HMOs and insurers. I don't think the problem will go away, nor will our responsibility [to address it].''

Mr. GRAHAM. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## RALPH TASKER ''A COACHING LEGEND''

Mr. LOTT. Mr. President, I rise today to honor a man who touched the lives of each person he came into contact with throughout his teaching and coaching career. Coach Ralph Tasker was a respected person, and a perfect gentleman. He always looked for the good in people and had that rare ability to bring out the best in others.

Born and raised in Moundsville, West Virginia, Coach Tasker took up basketball when he was five years old. This was his common bond with most of his friends. In Moundsville, nearly everyone worked in coal mines except for Tasker's parents, who owned and operated a grocery store. He played basketball in high school, earning all-state honors in his junior and senior campaigns. From there he played four years at Alderson-Broaddus College, and this is where he met his wife, Margaret Elizabeth Marple. The two were married and devoted to each other for nearly fifty years until Margaret passed away in 1991.

Tasker began his coaching career straight out of college at Sulphur Springs High School in Sulphur Springs, Ohio, in 1941. He spent less than a year at Sulphur Springs, but even then made an impact on his students and players. Tasker went beyond the role of coach and teacher, as he was always a friend to his students and players. From his first year in coaching, his students considered Coach Tasker a father figure. Those who knew Coach Tasker describe him as dedicated, sincere, and loyal to his players and community.

After leaving Sulphur Springs, Coach Tasker served our country for three years in the U.S. Air Corps. He then accepted another coaching position in New Mexico at Lovington High School. After three years and one state championship with Lovington, Coach Tasker moved twenty miles south to Hobbs High School, where he would remain for the rest of his coaching career. Forty-nine years, eleven state championships, two perfect seasons, and two National High School Coach of the Year awards later, Coach Tasker decided to retire. In fifty-three years of coaching, Tasker had a remarkable collection of achievements. He finished with 1,122 wins and 291 losses, which ranks him as the third place coach in total number of wins in high school boys' basketball history. Among many honors, he was elected to four different halls of fame, won twelve state championships, and in 1991 was named the National Athletic Coach of the Year in the prestigious Walt Disney National Teacher Awards Program.

Coach Tasker was slow to take credit, but quick to praise. He often said, ''When you've got players like I've got, they make a great coach out of you.'' He was uncomfortable in the limelight, and even chose to put his awards away in drawers, preferring to display artwork by his grandchildren. Coach Tasker always sought to uplift his children, grandchildren, students, and players.

Mr. President, Coach Ralph Tasker passed away on Monday, July 19, 1999, after a brief bout with cancer. I trust the Senate will join me in honoring one of the greatest men in the sports history of New Mexico and this country. He will be missed by everyone. I believe my friend Senator DOMENICI put it best when he said, ''The passing of Ralph Tasker marks the loss of an institution in Hobbs and in New Mexico.''

## CONGRATULATIONS TO THE GARRETSON, SD, CHAPTER OF THE FUTURE FARMERS OF AMERICA

Mr. DASCHLE. Mr. President, I have spoken many times to my colleagues in this body about the importance of agriculture in America. It is certainly one of the most valuable industries in my home state of South Dakota and is clearly essential to the economy and well-being of the entire United States.

Undoubtedly, farming has always been a difficult job. But, consistent with the industrious spirit of America, there have always been dedicated young men and women who have been willing to face the challenge of growing the food for this country. And even during tough times, there have been young Americans who are willing to answer the call to one of the most noble vocations in our country—they want to be farmers.

Last week, the Future Farmers of America hosted their seventy-second annual national convention in Lexington, Kentucky. Nearly 50,000 future farmers and their guests, including a number of young South Dakotans, gathered to exchange ideas, develop leadership skills and to have a frank discussion about the future of family farming.

Mr. President, I'm proud to report that, of the hundreds of local FFA chapters from across the country, and of the thousands of participants nationwide, the Future Farmers of America chapter from Garretson, South Dakota was named National FFA Chapter of the Year. Chapter members Brian Cooper, Gary Kringen, Mitch Coburn, Amanda Dorman, and their adviser Ed Mueller have spent countless hours working on projects ranging from promoting economic development in rural communities to providing lessons in farm safety to elementary students. Their hard work and dedication to the future of agriculture is a heartening sign that there will be a future generation of farmers to work the land and raise the food for this great country.

I want to offer my most sincere congratulations to the members of the Garretson chapter of the Future Farmers of America on receiving this great honor. These young people have earned the admiration and respect of their community and the entire state of South Dakota. Brian, Gary, Mitch, and Amanda remind us that outstanding young people are willing to commit themselves to farming—one of the most challenging, rewarding, and important careers they could choose.

## CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In million of dollars]

| | Budget Authority | Outlays |
|---|---|---|
| Current Allocation: | | |
| General purpose discretionary | 557,504 | 561,698 |
| Violent crime reduction fund | 4,500 | 5,554 |
| Highways | ..... | 24,574 |
| Mass transit | ..... | 4,117 |
| Mandatory | 321,502 | 304,297 |
| Total | 883,506 | 900,240 |
| Adjustments: | | |
| General purpose discretionary | +2,499 | +1,340 |
| Violent crime reduction fund | ..... | ..... |
| Highways | ..... | ..... |
| Mass transit | ..... | ..... |

[In million of dollars]

| | Budget Authority | Outlays |
|---|---|---|
| Mandatory | ..... | ..... |
| Total | +2,499 | +1,340 |
| Revised Allocation: | | |
| General purpose discretionary | 560,003 | 563,038 |
| Violent crime reduction fund | 4,500 | 5,554 |
| Highways | ..... | 24,574 |
| Mass transit | ..... | 4,117 |
| Mandatory | 321,502 | 304,297 |
| Total | 886,005 | 901,580 |

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In million of dollars]

| | Budget Authority | Outlays | Deficit |
|---|---|---|---|
| Current Allocation: Budget Resolution | 1,452,453 | 1,433,080 | −24,998 |
| Adjustments: Emergencies | +2,499 | +1,340 | −1,340 |
| Revised Allocation: Budget Resolution | 1,454,952 | 1,434,420 | −26,338 |

## CONGRESSIONAL BUDGET OFFICE LETTER ON S. 1792

Mr. ROTH. Mr. President, I ask unanimous consent that a copy of a letter from Dan L. Crippen, Director of the Congressional Budget Office, dated October 29, 1999, be printed in the RECORD. The letter analyzes S. 1792, the Tax Relief Extension Act of 1999.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 29, 1999.*

Hon. WILLIAM V. ROTH, Jr.,
*Chairman, Committee on Finance,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1792, the Tax Relief Extension Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Hester Grippando (for revenues), who can be reached at 226–2720, John R. Righter (for payment to territories of rum excise tax), who can be reached at 226–2860, and Jeane De Sa (For streptococcus pneumoniae vaccine), who can be reached at 226–9010.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 29, 1999

S. 1792: TAX RELIEF EXTENSION ACT OF 1999

(As reported by the Senate Committee on Finance on October 26, 1999)

#### SUMMARY

S. 1792 would amend existing tax laws and extend numerous tax provisions that have expired recently or are about to expire. The Joint Committee on Taxation (JCT) estimates that enacting S. 1792 would decrease on-budget governmental receipts by $320 million over the 2000–2004 period, but would increase such receipts by $461 million over the 2000–2009 period. By extending through calendar year 2000 the exclusion of employer-provided educational assistance, JCT estimates that the bill also would decrease off-budget revenues by a total of $118 million in fiscal years 2000 and 2001. In addition, CBO estimates that the bill would increase direct spending by $124 million over the 2000–2004 period and by $159 million over the 2000–2009 period. Although the bill would affect both governmental receipts and direct spending, section 301 of the bill specifies that any change in the surplus or deficit resulting from enactment shall not be counted for purposes of enforcing the pay-as-you-go procedures established by the Balanced Budget and Emergency Deficit Control Act.

JCT estimates that S. 1792 contains one new intergovernmental mandate, the cost of which would not exceed the threshold for intergovernmental mandates ($50 million in 1996, adjusted annually for inflation) established in the Unfunded Mandates Reform Act (UMRA). JCT estimates that S. 1792 contains 16 new private-sector mandates, and that the costs of those mandates would exceed the threshold established in UMRA ($100 million in 1996, adjusted annually for inflation) in each of fiscal years 2000 through 2004.

#### DESCRIPTION OF MAJOR PROVISIONS

S. 1792 would amend the Internal Revenue Code to:

Extend to tax years 1999 and 2000 a provision to allow individuals to use nonrefundable personal tax credits to offset their regular tax liability in full (as opposed to limiting such credits to the difference between their regular tax liability and their alternative minimum tax liability);

Extend the research and experimentation tax credit through December 31, 2000;

Extend the exemption from Subpart F for active financing income through tax year 2000;

Extend to tax year 2000 the suspension of income limitation on percentage depletion from marginal oil and gas wells;

Extend the work opportunity and welfare-to-work tax credits through December 31, 2000;

Temporarily increase the amount of the excise tax on rum paid to Puerto Rico and the U.S. Virgin Islands from $10.50 per proof gallon to $13.50 per proof gallon;

Add the streptococcus pneumoniae vaccine to the list of taxable vaccines;

Increase the amount of the estimated tax that individuals must pay based on the amount of their prior year's tax to 110.5 percent for tax years beginning in 2000 and to 112 percent for tax years beginning in 2004;

Modify the rules that allow taxpayers to credit the payment of foreign taxes against the payment of U.S. taxes owed on income derived from foreign sources; and

Prohibit taxpayers who use an accrual method of accounting from also using the installment method of accounting when reporting dispositions of property for income tax purposes.

#### ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1792 is shown in the following table. Estimated spending would fall within budget functions 800 (general government) and 550 (health).

| | By fiscal year, in millions of dollars | | | | |
|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2003 | 2004 |
| CHANGES IN REVENUES | | | | | |
| Estimated On-Budget Revenues | 200 | −3,738 | 730 | 686 | 1,802 |
| Estimated Off-Budget Revenues [1] | −77 | −41 | 0 | 0 | 0 |
| Total Changes in Revenues | 123 | −3,779 | 730 | 686 | 1,802 |
| CHANGES IN DIRECT SPENDING [2] | | | | | |
| Estimated Budget Authority | 85 | 20 | 6 | 6 | 7 |
| Estimated Outlays | 85 | 20 | 6 | 6 | 7 |

[1] Represents a loss of taxes to the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds from extending through calendar year 2000 the exclusion of employer-provided educational assistance.

[2] Implementing the bill would also increase spending subject to appropriation, but CBO estimates that such costs would not be significant.

Sources: Congressional Budget Office and Joint Committee on Taxation.

#### BASIS OF ESTIMATE

*Revenues:* All revenue estimates were provided to CBO by JCT.

*Direct Spending:* Payment to Territories of Rum Excise Tax. Under current law, a tax of $13.50 per proof gallon is assessed on distilled spirits produced in or brought into the Untied States. The treasuries of Puerto Rico and the Virgin Islands receive $10.50 of the tax assessed on rum manufactured in either territory. In addition, the territories receive payments, at a similar rate, on all rum imported into the United States from any foreign country. Those payments to Puerto Rico and the Virgin Islands are recorded as outlays in the budget.

Under the bill, the governments of Puerto Rico and the Virgin Islands would receive the full $13.50 per proof gallon for assessments made between July 1, 1999, and December 31, 2000. Based on recent tax and payment data, CBO estimates that increasing the territories' share of the excise tax would increase direct spending by $85 million in fiscal year 2000 (including $18 million in retroactive payments for fiscal year 1999) and $16 million in fiscal year 2001.

Streptococcus Pneumoniae Vaccine. S. 1792 would add conjugate vaccines against streptococcus pneumoniae to the list of taxable vaccines and thus would allow for federal payments to individuals for injuries related to those vaccines from the National Vaccine Injury Compensation Trust Fund. CBO estimates that this provision would increase outlays for compensation to individuals by $4 million over the 2000–2004 period. This provision also would increase federal Medicaid outlays by $21 million over the 2000–2004 period because Medicaid would be required to pay the excise tax on purchases of vaccines against streptococcus pneumoniae. The federal government purchases about one-half of all vaccines through its Vaccines for Children Program.

In addition, this provision would increase the cost of vaccines purchased under section 317 of the Public Health Service Act. Section 317 would authorize grants to states for the purchase of vaccines under federal contracts with vaccine manufacturers. We estimate that any increase in spending under this section would not be significant and would be subject to the availability of appropriated funds.

#### PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

| | By Fiscal Year, in Millions of Dollars | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Changes in receipts | 200 | −3,738 | 730 | 686 | 1,802 | −1,000 | 468 | 427 | 445 | 441 |

| | By Fiscal Year, in Millions of Dollars | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Changes in outlays | 85 | 20 | 6 | 6 | 7 | 7 | 7 | 7 | 7 | 7 |

Section 301 specifies that any change in the surplus or deficit resulting from enactment of S. 1792 shall not be counted for purposes of enforcing the pay-as-you-go procedures.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

JCT has determined that the provision that would add streptococcus pneumoniae to the list of taxable vaccines is an intergovernmental mandate. JCT estimates that the cost of this mandate would not exceed the threshold specified in UMRA ($50 million in 1996, adjusted annually for inflation).

ESTIMATED IMPACT ON THE PRIVATE SECTOR

JCT has determined that the following provisions of the bill contain private-sector mandates: (1) clarify the tax treatment of income and losses on derivatives, (2) add certain vaccines against streptococcus pneumoniae to the list of taxable vaccines, (3) expand reporting of cancellation of indebtedness income, (4) impose limitation on prefunding of certain employee benefits, (5) limit conversion of character of income from constructive ownership transactions, (6) modify installment method and prohibit its use by accrual method taxpayers, (7) limit use of nonaccrual experience method of accounting, (8) deny charitable contribution deduction for transfers associated with split-dollar insurance arrangements, (9) prevent duplication or acceleration of loss through assumption of certain liabilities, (10) require consistent treatment and provide basis allocation rules for transfers of intangibles in certain nonrecognition transactions, (11) limits distributions by a partnership to a corporate partner of stock in another corporation, (12) prohibit allocations of stock in an S corporation employee stock ownership plan, (13) impose 10 percent vote on value test for real estate investment trusts (REITs), (14) change treatment of income and services provided by taxable REIT subsidiaries, with 20 percent asset limitation, (15) modify treatment of closely held REITs, and (16) modify estimated tax rules for closely held REITs.

JCT estimates that the costs of the private-sector mandates would exceed the threshold established in UMRA ($100 million in 1996, adjusted annually for inflation) in each of fiscal years 2000 through 2004, with the amount of such costs ranging from a low of $383 million in 2004 to a high of $1,042 million in 2001.

Estimate prepared by: Revenues: Hester Grippando (226–2270), Payment to Territories of Rum Excise Tax: John R. Righter (226–2860), Streptococcus Pneumoniae Vaccine: Jeanne De Sa (226–9010).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

## MISLEADING ADVERTISEMENT FOR THE FAIRNESS IN ASBESTOS COMPENSATION ACT

Mr. LEAHY. Mr. President, I come to the Senate floor today to stand up for a small business in my home state—the Rutland Fire Clay Company of Rutland, VT.

For the past week, a coalition of 240 special interest organizations have run a series of the same paid advertisements in such Washington-based publications as Roll Call and National Journal's Congress Daily AM . The targets of these interest groups in this expensive ad campaign are, of course, the members of this body and of the House of Representatives. The advertisement uses the recent bankruptcy reorganization filing of the Rutland Fire Clay Company to promote the Fairness in Asbestos Compensation Act, S. 758 and H.R. 1283.

Mr. President, here is a copy of this ad. The headline is: ''How asbestos litigation ruined a family business.'' Then in the body of the advertisement is this pullout headline: ''Rutland Fire Clay Files For Chap. 11.'' Throughout the ad is the history of this 116-year-old Vermont firm as reported in the Rutland Herald on October 19, 1999.

Finally, the ad concludes with this statement: ''we believe that the interests of the hundreds of large and small businesses affected by this national travesty, their employees, pensioners, communities who depend on them, and their millions of shareholders warrant your support of the Act as well.'' I ask unanimous consent that the text of this advertisement be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Mr. President, I am offended by this slick advertisement. It is clear that the executives on Madison Avenue who crafted this ad want lawmakers—you, me, and all of our colleagues—to believe that the employees of the Rutland Fire Clay Company support the Fairness in Asbestos Compensation Act and that this bill would have helped the Vermont firm avoid reorganization in bankruptcy. Nothing is further from the truth.

Thomas Martin, who is the President of the Rutland Fire Clay Company, and who is named in the advertisement, has written to me to set the record straight. Mr. Martin writes: ''I reviewed the bill and my opinion is it would not help Rutland Fire Clay Company reduce this [asbestos litigation] burden, nor would it help other small businesses with thousands of claims. . . . Under S. 758 costs would be apportioned to Rutland Fire Clay Company equally, and thus higher, than under the current system.''

Mr. Martin continues: ''The advertisement's heading gave the impression that our family business would be 'ruined' and that our 22 employees would be out of work. The truth is that we have worked out a consensual bankruptcy plan which recognizes the value of Rutland Fire Clay Company and its employees. No jobs will be lost and we will continue to serve the fireplace and home repair markets as we have for 116 years.''

Finally, Mr. Martin notes: ''our firm in no way assisted in preparation of the CAR advertisement nor did we have any knowledge of it until your office sent me a copy.''

I ask unanimous consent that the full text of Thomas Martin's letter to me be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LEAHY. I have met with Tom Martin of the Rutland Fire Clay Company and corresponded with him about asbestos litigation. Mr. Martin should be commended for reaching a settlement with his insurers and the trial bar concerning his firm's asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their asbestos responsibilities through national legislation, Mr. Martin and the Rutland Fire Clay Company are trying to do the right thing within the legal system.

Mr. Martin plans to lead the Rutland Fire Clay Company from bankruptcy next year as a stronger firm with a solid financial foundation for the 21st Century. I applaud Tom Martin and the employees of the Rutland Fire Clay Company for their efforts.

Mr. President, I am willing to work with my colleagues on both sides of the aisle and with interested parties to craft fair legislation to help victims and businesses, large and small, affected by asbestos. But exploiting the bankruptcy filing of a small firm in Vermont and using misleading advertisements to promote a flawed bill are not the right ways to advance our consideration of this issue, and they are certainly not an admirable way to attempt to sway opinion in or outside of this body.

I believe the 240 special interest organizations that sponsored this advertisement owe an apology to Tom Martin and the other Vermonters who work for the Rutland Fire Clay Company, and I will remind them of that obligation until they offer that apology.

EXHIBIT NO. 1

[From the Rutland Herald, Oct. 19, 1999]

RUTLAND FIRE CLAY FILES FOR CHAP. 11

HOW ASBESTOS LITIGATION RUINED A FAMILY BUSINESS: 22 EMPLOYEES AND 50,000 LAWSUITS

Asbestos lawyers would have you believe that only billion dollar companies are affected by the asbestos nightmare. But in reality, more than 300 small businesses, as well as large ones, find themselves today enmeshed in the asbestos litigation mess. This spiraling litigation—filed largely by non-sick claimants who may have been exposed to asbestos, as have a majority of all Americans, but have no physical symptoms or impairment—continues to drive firms to bankruptcy or its brink.

Just last week, Rutland Fire Clay, a small family-owned Vermont manufacturer of furnace and wood stove repair cements, was

forced into bankruptcy as a result of what it termed ''the crushing burden of asbestos related lawsuits.''

You should know these facts about the Rutland Fire Clay case:

Rutland Fire Clay, with its 22 employees, is a small, 116 year-old family business, in Rutland, Vermont.

The business was started in 1883 by Rufus Perkins and his two sons and has manufactured, for more than 100 years, a cement material for use in the repair of furnaces and residential wood stoves sold through hardware stores. The product originally contained a very small amount of encapsulated asbestos, although Rutland discontinued the use of asbestos in its products almost 30 years ago.

Since 1984, there have been 50,000 asbestos cases filed against the company, and 37,000 remain pending today—most of these cases involving non-sick claimants.

The company has estimated its liability for current and future asbestos claims at $67 million, with assets of only $3 million.

Thomas Martin, the firm's president, said in a Rutland press interview last week, that if it weren't for asbestos claims, the 116 year-old company would never have wound up in bankruptcy. He described business as ''excellent,'' with the company expecting a record sales year.

The Rutland Fire Clay case is a stark example of what happens in the asbestos litigation world today. Asbestos lawyers continue to draw from an almost limitless pool of potential defendants by targeting, with the touch of a word processing button, small and large companies—many with only a tangential association to asbestos. These ''asbestos'' defendants include local building products distributors, home remodeling centers, ''mom and pop'' hardware stores, and other unsuspecting companies who manufactured, or only distributed, products that may have contained nominal amounts of asbestos in a component part of end products, such as forklifts, cranes, gaskets, grinding wheels, lawnmower engines, etc.

While the principal focus of the bipartisan Fairness in Asbestos Compensation Act is, as it should be, on the rights of deserving asbestos victims, we believe that the interests of the hundreds of large and small businesses affected by this national travesty, their employees, pensioners, communities who depend upon them, and their millions of shareholders warrant your support of the Act as well.

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EXHIBIT NO. 2

RUTLAND FIRE CLAY COMPANY,
*Rutland, VT, October 29, 1999.*

Hon. PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR LEAHY: Thank you for sending me the recent advertisement produced by the Coalition for Asbestos Resolution (CAR) that is using our recent bankruptcy filing in its campaign in support of S. 758 and its companion, H.R. 1283.

We presently have over 37,000 lawsuits pending against us and we have approximately $4 million of insurance and $2 million in assets. For small firms such as ours with limited remaining insurance and minimal assets, the burden of claims is indeed crushing as quoted in the CAR advertisement. However, I reviewed this bill and my opinion is it would not help Rutland Fire Clay Company reduce this burden, nor would it help any other small business with thousands of claims. As an example under section 601 apportionment of costs for the ARC are addressed. Potential disputes could easily arise between defendants as to their respective share of costs. Our company cannot afford the expense of litigation if disagreement with the large defendants is the result. In addition, our historical costs per claim processed for defense and indemnity have been very low relative to that of other defendant companies. Under S. 758 costs would be apportioned to Rutland Fire Clay Company equally, and thus higher, than under the current system.

The advertisement's headline gave the impression that our family business would be ''ruined'' and that our 22 employees would be out of work. The truth is that we have worked out a consensual bankruptcy plan which recognizes the value of Rutland Fire Clay Company and its employees. No jobs will be lost and we will continue to serve the fireplace and home repair markets as we have for 116 years.

Lastly, our firm in no way assisted in preparation of the CAR advertisement nor did we have any knowledge of it until our office sent me a copy.

Thank you,

Sincerely,

THOMAS P. MARTIN,
*President.*

## MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mr. BLILEY, Mr. ARMEY, Mr. RANGEL, and Mr. DINGELL as the managers of the conference on the part of the House.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1832. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

## 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–5969. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated October 27, 1999; 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, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–5970. A communication from the Director, Office of Administration, United States International Trade Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5971. A communication from the Executive Director, United States Holocaust Memorial Museum, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5972. A communication from the Secretary, The Commission of Fine Arts, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5973. A communication from the Office of Independent Counsel Thompson, transmitting, pursuant to law, a report relative to the Office's audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5974. A communication from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–5975. A communication from the Chairman and Chief Executive Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the Office's audit and investigative activities for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5976. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Fiscal Year 1998 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–5977. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 64 FR 56256; 10/19/99'', received October 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5978. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska: Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea'', received October 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5979. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Opening of General Category NY Bight Fishery'' (I.D. 100899B), received October 29, 1999; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

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

POM–369. A resolution adopted by the House of the Legislature of the State of Michigan relative to hazardous materials facilities; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 223

Whereas, Federal law under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires identifying the locations of facilities which handle hazardous materials and also requires the development of a plan for communities to respond

to hazardous material releases and to establish right-to-know provisions for hundreds of substances identified as extremely hazardous materials plus an additional 1,000 potentially hazardous substances an toxic chemicals; and

Whereas, More than 3,200 businesses and industries within the Commonwealth of Pennsylvania have been officially identified as being within the SARA Title III planning requirements; and

Whereas, The time frames for reporting chemicals used by facilities under SARA Title III may be considered ineffective at times due to the length of the required reporting period; and

Whereas, Conforming the time frames for reporting Material Safety Data Sheets to State and local officials, mirroring Occupational Safety and Health Administration requirements on the reporting of hazardous materials, may lead to an enhanced and more accurate reporting system; and

Whereas, The establishment of Hazardous Material Exposure Parameters around hazardous material facilities and the requirement of direct reporting to residences and businesses within these parameters may lead to the increased safety of our communities; therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania respectfully request that the Congress of the United States pursue amendments to SARA Title III to ensure higher levels of safety for communities which have hazardous material facilities within their borders; and be it further

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

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 623. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes (Rept. No. 106–203).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes (Rept. No. 106–204).

## 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. HOLLINGS (for himself and Mr. THURMOND):

S. 1836. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1837. A bill to amend title XIX of the Social Security Act to provide low-income medicare beneficiaries with medical assistance for out-of-pocket expenditures for outpatient prescription drugs; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1838. A bill to provide that certain income derived from an agreement between the Bios Forte Band of Chippewa Indians and the State of Minnesota shall not be considered income for purposes of Federal assistance eligibility; to the Committee on Indian Affairs.

S. 1839. A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States; to the Committee on Indian Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ABRAHAM:

S. Res. 212. A resolution to designate August 1, 2000, as ''National Relatives as Parents Day''; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 213. A resolution to authorize testimony, document production, and representation of employees in the Senate in *Bonnie Mendelson* v. *Delaware River and Bay Authority*; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1838. A bill to provide that certain income derived from an agreement between the Bois Forte Band of Chippewa Indians and the State of Minnesota shall not be considered income for purposes of Federal assistance eligibility; to the Committee on Indian Affairs.

INCOME EXEMPTION FROM FEDERAL ASSISTANCE ELIGIBILITY REQUIREMENTS

● Mr. WELLSTONE. Mr. President, I am introducing today legislation of great importance to two tribes in Minnesota, the Bois Forte Bank of Chippewa and the Grand Portage Band of Chippewa. This bill would exempt income derived from an agreement between the two bands and the State of Minnesota from being considered as income for purposes of Federal assistance eligibility when the funds from the agreement are distributed to tribal members.

Under current law, most payments to Indians derived from trust resources are exempt from consideration as income or resources for the purposes of determining federal benefits under various Federal or federally assisted programs. Regulations promulgated by various Federal agencies reflect the statutory exemptions for income derived from interests of individual Indians in trust or restricted lands and from payments distributed to tribal members as the result of Indian claims awards. This legislation is to accord similar treatment to payments made to the approximately 2,700 members of the Bois Forte Band and the 790 members of the Grand Portage Band.

In 1988 the two bands entered into an agreement with the state of Minnesota whereby the State agreed to make an annual payment to the bands in exchange for the bands' restriction of their members' hunting and fishing rights. These rights are guaranteed by the treaty of September 30, 1854. From that payment, the Tribal Councils of the Bands make small annual payments to their members. The Bois Forte Band pays each of its members $500 per year, for example. The shares of minors are paid into a trust fund that cannot and disbursed until the minor reaches the age of 18. The shares of adults are paid directly to them.

These payments are intended to compensate the band members for a Federal treaty right that they have elected to forgo in return for these funds. As a result, this constitutes income which is derived from a trust resource. The intent of the Federal law is that such funds—up to a certain level, are not treated as income for purposes of Federal benefit eligibility. This is in recognition of the special status of Indian tribes within the United States, and the trust relationship that the Federal Government maintains to this day. However, while these payments clearly fall within the intent Federal law to protect trust resources, the current statute does not encompass these payments.

The result is that for a small number of band members, approximately 10 percent of the Bois Forte band and currently no members of the Grand Portage Band, this income is of no real benefit because it reduces or eliminates their public assistance payment. These members are all extremely poor, elderly, or disabled. Mr. President, these are people who can least afford to bear the brunt of this loophole in Federal law.

Additionally, Mr. President, these band members see a spike in their income—an extremely small spike mind you—in 1 month out of the year. Does it serve any public purpose to kick them off of Federal assistance in that 1 month, only to require them to reapply in the following month? Their circumstances are not changed by this payment. These funds will not lift anyone out of poverty, they do not replace an income lost to disability or age.

This bill will ensure that members of the Bois Forte and Grand Portage Bands receive fair—though small—compensation for their foregone treaty rights. It is a question of simple equity and I urge my colleagues to support it.●

By Mr. BAUCUS:

S. 1837. A bill to amend title XIX of the Social Security Act to provide low-income Medicare beneficiaries with medical assistance for out-of-pocket

expenditures for outpatient prescription drugs; to the Committee on Finance.

THE HEALTHY SENIORS ACT OF 1999

Mr. BAUCUS. Mr. President, I rise today to introduce the Healthy Seniors Act of 1999. Prescription drugs are a hot topic these days. From the lawn of the White House to the TV screen in your house, everyone is talking about prescription drugs, and for good reason. Americans have the greatest health care system in the world: The best doctors, the best research, and the most effective prescription drugs. That doesn't mean anything if thousands of seniors can't afford to use them. We are creating a system where the well-off can buy the best health care and the poor can afford little more than an aspirin.

Recently, ''60 Minutes'' did a show on the high cost of prescription drugs and the need to provide coverage to low-income beneficiaries. National Public Radio has run a series of stories on the rising cost of prescription drugs and government plans to make them available to Medicare beneficiaries. Full-page advertisements and news stories are in our Nation's newspapers, from the Washington Post to the Billings Gazette. We have all seen Flo and her bowling ball.

I have a story from the Montana Standard, Butte's local newspaper. The headline reads: ''Montanans Testify for Medicare Drug Coverage.''

Greg Loushin's heart breaks every time he watches Montana's elderly and uninsured scrounge for change to buy prescription drugs. Oftentimes, the Butte pharmacist pulls money from his own pocket.

Think of that, the local pharmacist pulls money from his own pocket when his own customers do not have adequate funds to pay for their drugs.

From the story:

Pharmacist helping seniors buy drugs they need from his own money.

People help one another out in Butte, MT. Greg's customers are lucky to have him for a pharmacist. But we know in our increasingly interpersonal world, Greg's generosity is a rare exception. It isn't a long-term solution to the problem of escalating costs of prescription drugs; creating a prescription drug benefit under Medicare is.

Why is it suddenly so important seniors be given a drug benefit under Medicare? Why all the attention? Why the stories? The answer is twofold.

First, prescription drug costs have risen dramatically. Overall medical inflation has been slowed in recent years, but the cost of prescription drugs has actually skyrocketed, rising much faster than the average cost of medical care. In 1980, prescription drugs were only 4 percent of total health costs. In the year 2000, they will account for 16 percent of the total, a fourfold increase in 20 years. The increased costs are attributable both to the prices charged for the new, sophisticated drugs that are being developed by pharmaceutical companies, and to increase use of the drugs by our seniors.

Today as never before there is increased competition among drug companies to put out new drug therapies for the many ailments that face Americans, young and old. I, for one, do not want to stunt the innovation that has made America the leading architect of medical technology.

The second reason the drug benefit is so important is these research efforts are increasingly fruitful. Drugs can now treat illnesses where formally surgery was needed. Drug coverage means healthier individuals, leading to fewer hospitals and less time in the hospital.

New York has a plan called EPIC to help low-income seniors with medications that saved an estimated $47 million in hospitalization costs in the recent year, compared with the $41 million it cost to run the program. David Cutler, a Harvard economist, reports elderly disability rates have fallen 15 percent in the last decade largely because of increased use of prescription drugs.

Barbara Holter, a Montana Medicare beneficiary, last week wrote me:

Senator BAUCUS . . . innovative prescription drugs and biological therapies played an important role in the treatment of arthritis. While not a cure, these new medications can help alleviate the pain, slow the progress of disease, and prevent disability. Unfortunately, 35 percent of Medicare beneficiaries do not have coverage. It is important that Congress take action to expand access to drug coverage.

Gone are the days when surgery and mechanical devices alone work to save lives and increase their quality. A heart ailment that may have required an extensive bypass a few years ago can now be treated with a clot-busting medication or a stent. To paraphrase the renowned physician and health care policy expert, Dr. William Schwartz, medicine is changing ''from the mechanical to the molecular.''

Everyone seems to recognize this shift. Everyone, that is except our government. We are 60 days from the year 2000, and we are still trying to run a health care program rooted in the year 1965.

Some say we ought to reform Medicare before providing a drug benefit. Senator BILL ROTH, chairman of the Finance Committee, has indicated his interest in working in a bipartisan fashion to strengthen Medicare in the coming year. I welcome his willingness to do so. Without action, Medicare will go broke in just 15 years, at the very time our social insurance system becomes inundated with the baby boom generation, about 15 years from now.

We must act to save Medicare. We ought not let perfection be the enemy of the good. I accept and agree that Medicare must be changed. It is also true the average senior fills 19 prescriptions every year on average. Our seniors don't have the luxury of waiting until the politics are right to get the drugs they need. This is particularly true in rural areas.

As this chart indicates, one-third of Medicare beneficiaries have no prescription drug coverage. One-third of seniors in our country have no prescription drug coverage. In rural areas, it is even worse. In rural America, the number increases to nearly half. Seniors are being denied products that can save their lives because of geography. Half of American seniors don't have prescription drug coverage.

Part of the problem is we don't have a lot of managed care in rural areas. In fact, we have very little. Managed care will often provide drug coverage to seniors. In many parts of America, particularly rural America, there is no managed care, much less prescription drug coverage for seniors.

Recently, my staff spoke to Ardys Olin and her mother Thelma of Billings, MT. Both are beneficiaries of Gold Choice, Montana's only Medicare managed care plan. Ardys is disabled; Thelma is 87. For the time being, they both get prescription drug coverage through Gold Choice, the only managed care program for Medicare in Montana. They are quite pleased with it.

Because payment rates are insufficient to sustain managed care in rural America, Gold Choice is soon going to leave Montana, leaving its 2,600 beneficiaries without prescription drug coverage. Where are these people going to go? What are they going to do when Gold Choice pulls out of Montana?

Most employers in rural America can't afford to offer prescription drug coverage in their retirement plans. The profit margins are so low in rural America. Unfortunately, many people in rural areas have little or no retirement income beyond their Social Security checks. These people are hurting. Many of the 2,600 Montanans losing prescription drug coverage with the termination of Gold Choice—the only managed Medicare care program in our State—don't have enough money of their own to buy Medigap coverage. Medigap is the insurance plan offered by many companies to fill the gap between what Medicare doesn't pay and what Medicare should pay. Maybe people do not have enough money to buy Medigap insurance. That is why many Americans don't have any prescription drug coverage at all. They simply have to hope they do not become ill and, if they do, that they will be able to afford the cost of the drugs their doctors prescribe.

The legislation I am introducing will begin, not totally—but begin to address this problem. We are not creating any new bureaucracies, no new large Government programs. We are simply extending the reach of the Medicaid program to administer drug coverage to our most needy. That is it. This bill provides prescription drug coverage to the elderly whose incomes are 175 percent of the Federal poverty limit. In real terms, that means seniors making up to about $13,500 a year will be provided some prescription drug coverage; $16,800 in the case of couples.

This bill impacts seniors who are less able to pay for their prescription drugs.

Consider the following data graciously provided by, and under review at, Health Affairs, the Nation's leading health policy journal.

These numbers are from a study supported by the Commonwealth Fund, a national philanthropic organization engaged in independent research on health and social policy issues, and is the product of the able scholarship of Dr. Jan Blustein, professor at the Wagner School of New York University.

This chart shows the extent to which low-income seniors with hypertension have prescription drug coverage. Hypertension—that is, high blood pressure—is prevalent among the elderly, occurring in better than 50 percent of persons over age 65. As you can see, seniors with hypertension, with incomes between 100 and 125 percent of poverty, only have prescription drug coverage about 65 percent of the time. Again, seniors whose income is between 100 percent and 125 percent of poverty have prescription drug coverage only about 65 percent of the time. Those between 126 percent and 150 percent of poverty, the next line down, fare even worse, receiving drug coverage only about half the time, 55 percent of the time.

Mr. President, 150 percent of poverty is not a lot of money, only about $11,500 a year. There is clearly a need to help these people, and the bill I am introducing today does just that.

Let me be clear in stating this legislation is not intended as a permanent solution to the prescription drug problem. It does not provide stop-loss coverage for beneficiaries whose drug bills measure in the thousands of dollars. And because it uses Medicaid, the legislation uses a delivery mechanism that can differ from State to State in the scope of benefits it provides. But it does provide a benefit to those who need it the most. It is not perfect, but it is a start. Most important, it is an idea that has broad-based support from the public and in the Congress.

The Medicare Commission, although unable to reach a supermajority on its recommendation to fix the program—that is, Medicare—proposed covering drugs for low-income seniors through Medicare. In a recent poll, 86 percent of Americans favored adding a new Medicare drug benefit to cover part of the cost of the prescription drugs.

During the recent debate over tax cuts and the Federal budget, I, with 33 of my colleagues, sent the President a letter urging him to set aside one-third of the on-budget surplus for Medicare. I am pleased he announced his intentions just last week to do that, to fund a prescription drug benefit. Although creating a prescription drug benefit will be expensive, I think inaction is even more costly. In the words of the former President, Calvin Coolidge, ''We cannot do everything at once but we can do something at once.''

Let's do that something now to help our most vulnerable seniors, help them pay for the drugs that can save their lives.

By Mr. WELLSTONE:

S. 1839. A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the community may be leased or transferred by the Community without further approval by the United States; to the Committee on Indian Affairs.

APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS

● Mr. WELLSTONE. Mr. President, I am introducing legislation today which will allow the Lower Sioux Indian Community of Minnesota to sell non-trust land which falls outside their reservation borders. Enactment of this bill would give the Lower Sioux the same rights as any other landowner: to conduct real estate transactions without an act of Congress.

The Lower Sioux Community has acquired several parcels of land outside its reservation borders. None of these lands are held in trust by the United States. The Community pays state and local property taxes on the land and is not exempted from local zoning ordinances. The Community is treated like any other non-Indian land owner with regard to these parcels under the law—except that federal law requires that Congress approve the sale of land owned in fee simple by Indian tribes. In other words, should the Community wish to engage in almost any kind of land transaction involving these parcels, Congress must pass legislation to allow it to happen.

The Community seeks to have this burden lifted from them. It argues that the Community's development projects are unfairly restricted by this requirement. Indeed, my colleagues know how long it can take for Congress to act on even the most parochial and non-controversial of legislation. Last year, we were successful in passing legislation authorizing the sale of a single parcel of land owned by the Lower Sioux. It passed as part of a technical amendments bill, but the entire process took over six months. All of this for a plot of land no bigger than thirteen acres.

Obviously, such hurdles can make dealing with the Lower Sioux Community complicated and time consuming. Congress could even choose not to act upon a request. This puts the band at a competitive disadvantage relative to other land owners. The Lower Sioux is not a wealthy community. It can ill afford the hassles of pursuing closure in Washington to deals in Minnesota.

This legislation is introduced at the request of the Lower Sioux Community. The legislation does not cover any other tribe besides the Lower Sioux Community, and again, it applies only to land not held in trust by the United States or that is not within the borders of the Community's reservation. This is a narrowly focused bill designed to meet the unique needs and circumstances of the Lower Sioux Community.

Mr. President, this legislation will lower barriers to the Lower Sioux's pursuit of economic opportunities to improve the lives of its members. With that in mind, I believe it is both appropriate and necessary and I urge its adoption.

I ask that a copy of a tribal council resolution in support of the bill be printed in the RECORD.

The material follows:

LOWER SIOUX COMMUNITY COUNCIL
RESOLUTION NO. 08–99

Whereas, The Lower Sioux Community Council is the governing body of the Lower Sioux Indian Community in Minnesota, a federally recognized Indian tribe; and

Whereas, The Lower Sioux Community has in the past purchased land in its own name in fee simple for various Community purposes, including the promotion of economic development that would enable the Community and its members to become self-sufficient; and

Whereas, The Community must make additional such purchases in the future for economic development, housing, and other purposes; and

Whereas, There is no certainty that the Community will be able to transfer any of its fee land to the United States to hold in trust for the Community; and

Whereas, Under current federal law, when the Community purchases land in fee it must pay taxes on such land but it is not allowed to transfer, lease, mortgage, or otherwise convey interests in such land without a congressional statute allowing it to do so; and

Whereas, The restrictions on the transfer, lease, and mortgage of Community fee land unfairly burden the Community's development projects, and place the Community in a worse position than any other surrounding landowner.

Now Therefore be it *Resolved* that: The Lower Sioux Community Council urges the Minnesota congressional delegation specifically, and Congress generally, to support legislation that will remove the restrictions on the Community's ability to transfer, lease, mortgage, or otherwise convey interests in land owned by it in fee. The removal of these restrictions will allow the Community to use its fee land in the same manner as any other landowner in order to develop its economy and provide services to its members.●

## ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that

the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 678

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 678, a bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1327

At the request of Mr. DODD, his name was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Kansas (Mr. ROBERTS), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1419, supra.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1515

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to amend the Radiation Exposure Compensation Act, and for other purposes.

S. 1528

At the request of Mr. LOTT, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1547

At the request of Mr. MACK, his name was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1623, a bill to select a National Health Museum site.

S. 1708

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1781

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1781, a bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Park Advisory Commission.

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. ABRAHAM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Concurrent Resolution 63, a concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Delaware (Mr. ROTH), the Senator from Nebraska (Mr. HAGEL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month''.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month''.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

## SENATE RESOLUTION 212—TO DESIGNATE AUGUST 1, 2000, AS ''NATIONAL RELATIVES AS PARENTS DAY''

Mr. ABRAHAM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 212

Whereas children are this Nation's most valuable resource;

Whereas the most important responsibility for this Nation's lawmakers and citizens is the protection and care of children;

Whereas in order to ensure the future success of this Nation, children must be taught values that will help them lead happy, healthy, and productive lives;

Whereas the family unit is most suitable to provide the special care and attention needed by children;

Whereas this year, many children will suffer from child abuse, neglect, poor nutrition, and insufficient child care, all of which jeopardize the well-being of young children and the opportunity for a fulfilling and successful adulthood;

Whereas extended family members, willing to open their hearts and homes to children whose immediate families are in crises, play an indispensable role in helping those children heal by providing them with a stable

and secure environment in which they can grow and develop;

Whereas approximately 520,000 children are currently under the care and guidance of foster parents—about 150,800, or 29 percent, of whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas ''National Relatives as Parents Day'' is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 1, 2000, as ''National Relatives as Parents Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Relatives as Parents Day'' with appropriate ceremonies and activities.

Mr. ABRAHAM. Mr. President, today I rise to introduce my resolution which would recognize August 1st, 2000 as ''National Relatives as Parents Day.''

Mr. President, last year the state of Michigan and its Governor, John Engler, declared August 1, 1999, as Relatives Raising Relative Children Day in order to recognize the enduring and valuable contributions of those individuals willing to raise relative children as their own sons and daughters. I believe that we should follow the example set by my home State and recognize all of our relatives raising relatives.

Mr. President, my resolution declaring August 1, 2000 as ''National Relatives as Parents Day'' provides the perfect opportunity to recognize and honor the dedication and compassion of relatives who willingly take on the often thankless responsibility of providing a relative child in need of a family and home.

Mr. President, there is little doubt that children are our Nation's most valuable resource. They are, quite literally, America's future. And, it is our most important responsibility as lawmakers and as citizens to protect and care for our most vulnerable charges.

Mr. President, there is also little doubt that the family plays a vital and irreplaceable role in providing young children with the secure and caring environment necessary to teach them the values integral to leading a happy, healthy and productive life. Mr. President, it is within the family that children best receive the special care and attention necessary for their proper development.

Unfortunately, not all children grow up in a healthy home environment. Too many children will suffer from child abuse or neglect, poor nutrition and insufficient child care, all of which jeopardize the well-being of a young child and his or her opportunity for a fulfilling and successful adulthood. Sadly, in the event that the family unit breaks down, the child cannot remain in his or her existing home situation.

Mr. President, I am pleased to note that there are many individuals willing to open their hearts and homes to children whose families are in crisis. These special people play an indispensable role in helping children heal—providing children with a stable and secure environment in which they can grow and develop into successful adults.

Mr. President, approximately 520,000 children live with foster families—about 150,800, or 29 percent, of whom are children living with relatives who are willing to take in relative children, providing them with guidance and a caring and positive home environment. It is in honor of these individuals that I stand today, for without their selflessness, many of the close to 160,000 children would either remain in unhealthy and unsafe environments or be uprooted and placed in temporary group homes. Relatives who take on the responsibility of parents deserve special recognition for their long-lasting contributions to their children and to the larger community.

It is my hope that all of my colleagues will join with me in recognition of all of this country's relatives, who as parents, have had an incalculable positive impact in the lives of young children in need of a family and home.

## SENATE RESOLUTION 213—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION OF EMPLOYEES IN THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas, in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, Civil Action No. 98–90–GSL, pending in the U.S. District Court for the District of Delaware, testimony has been requested from David P. Hauck and Julie B. Cardillo, employees of the Congressional Special Services Office, and Bonnie Powell, a former employee of the Congressional Special Services Office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate in connection with the testimony and document production authorized in section one.

## AMENDMENTS SUBMITTED

### AFRICAN GROWTH AND OPPORTUNITY ACT

### FEINGOLD AMENDMENTS NOS. 2427–2428

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

AMENDMENT NO. 2427

Strike sections 111 through 114 and insert the following:

**SEC. 111. ENCOURAGING MUTUALLY BENEFICIAL TRADE AND INVESTMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) A mutually beneficial United States Sub-Saharan Africa trade policy will grant new access to the United States market for a broad range of goods produced in Africa, by Africans, and include safeguards to ensure that the corporations manufacturing these goods (or the product or manufacture of the oil or mineral extraction industry) respect the rights of their employees and the local environment. Such trade opportunities will promote equitable economic development and thus increase demand in African countries for United States goods and service exports.

(2) Recognizing that the global system of textile and apparel quotas under the MultiFiber Arrangement will be phased out under the Uruguay Round Agreements over the next 5 years with the total termination of the quota system in 2005, the grant of additional access to the United States market in these sectors is a short-lived benefit.

(b) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel imports to the United States from Kenya and Mauritius, respectively, not later than 30 days after each country demonstrates the following:

(A) The country is not ineligible for benefits under section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)).

(B) The country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination.

(C)(i) The country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (5), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(I) the right of association;

(II) the right to organize and bargain collectively;

(III) a prohibition on the use of any form of coerced or compulsory labor;

(IV) the international minimum age for the employment of children (age 15); and

(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(ii) The government of the country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU–AFRO) each has access to all appropriate records and other information of all business enterprises in the country.

(D) The country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (d).

(E) The country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(F) The cost or value of the textile or apparel product produced in the country, or by companies in any 2 or more sub-Saharan African countries, plus the direct costs of processing operations performed in the country or such countries, is not less than 60 percent of the appraised value of the product at the time it is entered into the customs territory of the United States.

(G) Not less than 90 percent of employees in business enterprises producing the textile and apparel goods are citizens of that country, or any 2 or more sub-Saharan African countries.

(H) The country has established, or is making continual progress toward establishing—

(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for each other country in sub-Saharan Africa if the country is in compliance with the requirements applicable to Kenya and Mauritius under subparagraphs (A) through (H) of paragraph (1).

(3) TECHNICAL ASSISTANCE.—The Customs Service shall provide the necessary technical assistance to sub-Saharan African countries in the development and implementation of adequate measures against the illegal transshipment of goods.

(4) OFFSETTING REDUCTION OF CHINESE QUOTA.—When the quota for textile and apparel products imported from Kenya or Mauritius is eliminated, the quota for textile and apparel products from the People's Republic of China for each calendar year in each product category shall be reduced by the amount equal to the volume of all textile and apparel products in that product category imported from all sub-Saharan African countries into the United States in the preceding calendar year, plus 5 percent of that amount.

(5) DETERMINATION OF COMPLIANCE WITH INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

(A) DETERMINATION.—

(i) IN GENERAL.—For purposes of carrying out paragraph (1)(C), the Secretary of Labor, in consultation with the individuals described in clause (ii) and pursuant to the procedures described in clause (iii), shall determine whether or not each sub-Saharan African country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(ii) INDIVIDUALS DESCRIBED.—The individuals described in this clause are the head of the national labor agency of the government of the sub-Saharan African country in question and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU–AFRO).

(iii) PUBLIC COMMENT.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (1)(C), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (1)(C).

(B) CONTINUING COMPLIANCE.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (A) that the country is in compliance with the requirements of paragraph (1)(C), the Secretary, in consultation with the individuals described in subparagraph (A), shall, not less than once every 3 years thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (1)(C). The Secretary shall submit the determination to Congress.

(C) REPORT.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(i) a description of each determination made under this paragraph during the preceding year;

(ii) a description of the position taken by each of the individuals described in subparagraph (A)(ii) with respect to each such determination; and

(iii) a report on the public comments received pursuant to subparagraph (A)(iii).

(6) REPORT.—Not later than March 31 of each year, the President shall publish in the Federal Register and submit to Congress a report on the growth in textiles and apparel imported into the United States from countries in sub-Saharan Africa in order to inform United States consumers, workers, and textile manufacturers about the effects of the no quota policy.

(c) TREATMENT OF TARIFFS.—The President shall provide an additional benefit of a 50 percent tariff reduction for any textile and apparel product of a sub-Saharan African country that meets the requirements of subparagraphs (A) through (H) of subsection (b)(1) and subsection (d) and that is imported directly into the United States from such sub-Saharan African country if the business enterprise, or a subcontractor of the enterprise, producing the product is in compliance with the following:

(1) Citizens of 1 or more sub-Saharan African countries own not less than 51 percent of the business enterprise.

(2) If the business enterprise involves a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate

measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

**SEC. 112. GENERALIZED SYSTEM OF PREFERENCES.**

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—

''(i) IN GENERAL.—

''(I) DUTY-FREE TREATMENT.—Subject to clause (ii), the President may provide duty-free treatment for any article described in subclause (II) that is imported directly into the United States from a sub-Saharan African country.

''(II) ARTICLE DESCRIBED.—

''(aa) IN GENERAL.—An article described in this subclause is an article set forth in the most current Lome Treaty product list, that is the growth, product, or manufacture of a sub-Saharan African country that is a beneficiary developing country and that is in compliance with the requirements of subsections (b) and (d) of section 111 of the African Growth and Opportunity Act, with respect to such article, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of all articles imported from United States Trading partners. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).

''(bb) OTHER REQUIREMENTS.—In addition to meeting the requirements of division (aa), in the case of an article that is the product or manufacture of the oil or mineral extraction industry, and the business enterprise that produces or manufactures the article is involved in a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

''(ii) RULE OF CONSTRUCTION.—For purposes of clause (i), in applying section 111(b)(1) (A) through (H) and section 111(d) of the African Growth and Opportunity Act, any reference to textile and apparel goods or products shall be deemed to refer to the article provided duty-free treatment under clause (i).''.

(b) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 505 the following new section:

**''SEC. 505A. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.**

''No duty-free treatment provided under this title shall remain in effect after September 30, 2006 in the case of a beneficiary developing country that is a sub-Saharan African country.''.

(d) DEFINITIONS.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) SUB-SAHARAN AFRICAN COUNTRY.—The terms 'sub-Saharan African country' and 'sub-Saharan African countries' mean a country or countries in sub-Saharan Africa, as defined in section 104 of the African Growth and Opportunity Act.

''(7) LOME TREATY PRODUCT LIST.—The term 'Lome Treaty product list' means the list of products that may be granted duty-free access into the European Union according to the provisions of the fourth iteration of the Lome Covention between the European Union and the African-Caribbean and Pacific States (commonly referred to as 'Lome IV') signed on November 4, 1995.''.

(e) CLERICAL AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new item:

''505A. Termination of benefits for sub-Saharan African countries.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 30 days after the date enactment of this Act.

**SEC. 113. ADDITIONAL ENFORCEMENT.**

A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d) of this Act with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d).

**SEC. 114. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.**

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with

meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

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AMENDMENT NO. 2428

Strike sections 111 and 112, and insert:

**SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.**

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

**"SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.**

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

''(A) has established, or is making continual progress toward establishing—

''(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

''(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

''(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities;

''(C) is taking adequate measures to prevent illegal transshipment of goods that is carried out by routing, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (c) of section 112 of the African Growth and Opportunity Act;

''(D) is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement; and

''(E) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

(c) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

**"SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.**

''In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.''.

(d) CLERICAL AMENDMENTS.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

''506A. Designation of sub-Saharan African countries for certain benefits.

''506B. Termination of benefits for sub-Saharan African countries.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

**SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.**

(a) PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (c); and

''(2) the country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(d) ADDITIONAL ENFORCEMENT.—A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under section 506A(a)(1) (C) and (D) of the Trade Act of 1974 and subsection (c) of this section, with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (E) of section 506A(a)(1) of the Trade Act of 1974 and subsection (c) of this section.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

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## HOLLINGS AMENDMENT NO. 2429

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill, H.R. 434, supra; as follows:

At the appropriate place in the bill, insert the following:

**SEC. . ENVIRONMENTAL AGREEMENT REQUIRED.**

The benefits provided by the amendments made by this Act shall not be available to any country until—

(1) the President has negotiated with that country a side agreement concerning a side agreement concerning the environment, similar to the North American Environment Cooperation Agreement; and

(2) submitted that agreement to the Congress.

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## LANDRIEU AMENDMENT NO. 2430

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 434, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . LIMITATIONS ON PREFERENTIAL TREATMENT.**

Notwithstanding any other provision of law, the President may not exercise the authority to extend preferential tariff treatment to any country in sub-Saharan Africa provided for in this Act, unless the President determines that the per capita gross national product of the country (calculated on the basis of the best available information including that of the International Bank for Reconstruction and Development) is not more than 5 times the average per capita gross national product of all sub-Saharan African countries eligible for such preferential tariff treatment under the Act.

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## NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, November 3, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1114, The Federal Mine Safety and Health Act of 1999;

2. S. 1809, The Developmental Disabilities Assistance and Bill of Rights Act of 1999; and

3. Presidential nominations.

## ADDITIONAL STATEMENTS

### EITELJORG FELLOWSHIP FOR NATIVE AMERICAN FINE ART

● Mr. BAYH. Mr. President, as November has been designated Native American History Month, I am honored to congratulate a museum in my own state for its efforts to recognize Native American artists and encourage the creation of new Native American fine art. The Eiteljorg Museum of American Indians and Western Art recently launched an unprecedented 10-year program to strengthen the recognition and study of Native American artists who are making a valuable contribution to our nation's fine arts. The long-term goal of the program is to create a national alliance of scholars, curators, artists, teachers, and collectors who would further the notice and study given to Native American fine artists.

Under the leadership of John Vanausdall, the museum's president and CEO, an international jury of scholars was appointed to select the first year's fellows and master artist from 106 qualified nominees. Jurors included: Gerald R. McMaster (Plains Cree), curator of contemporary Indian art at the Canadian Museum of Civilization; Bruce Bernstein, assistant director for cultural resources at the National Museum of the American Indian; and Kay WalkingStick (Cherokee), artist and professor of fine art at Cornell University.

On November 13, the first five recipients of the Eiteljorg Fellowship of Native American Fine Art will travel to the Eiteljorg Museum where they will receive national acclaim. They will each be presented with a fellowship award of $20,000 and participate in the opening events for an exhibition of their art. I am pleased to announce the inaugural winners: Lorenzo R. Clayton (Navajo), Truman Lowe (Ho Chunk), Marianne Nicolson (Kwakwaka'wakw), Rick Rivet (Métis/Dene), and Jaune Quick-to-See Smith (Flathead). In addition, George Morrison (Chippewa) was named a master artist. I urge Americans to visit the exhibition which will be on view at the Eiteljorg Museum, located in the beautiful White River State Park in Indianapolis from November 13, 1999 through January 23, 2000.

I commend the Eiteljorg Museum for conceiving this long-overdue honor to Native American artists. This wonderful program is due to the generosity of the Indianapolis-based Lilly Foundation, Inc. which has directed $490,000 to this worthy endeavor. Thanks to the efforts of the Eiteljorg Museum and Lilly, the future is bright for Native American artists, as this program will award $100,000 to five artists every two years. Our state is fortunate for their vision and I am honored to recognize their efforts in promoting Native American Art and preserving the culture of Native Americans.●

### TRIBUTE TO MARC HULL

● Mr. JEFFORDS. Mr. President, it is with much pride, and a little sadness, that I rise today to pay tribute to one of Vermont's outstanding leaders in education. Marc Hull, who recently resigned his post as Commissioner of Education in my home state, deserves both praise and gratitude for all he has accomplished for the children and youth of Vermont.

At a time when education rightly tops the state and national agenda, we have been fortunate to have his services. Marc has effectively advanced the education agenda of Vermont through his dedication and perseverence in making sure that every child achieves his or her highest potential, by setting high standards and giving children and teachers the means to reach them. To do so, he developed the Vermont Framework of Standards which is serving as the guide for improving the performance of all Vermont schools, and most importantly the performance of Vermont's students.

I also want to take this opportunity to salute Marc for his prior service to Vermont as Director of Special Education. He has consistently spoken for those who at one time had no voice and helped individuals advocate for themselves and their children. For years he has labored tirelessly to provide appropriate education programs for children with disabilities.

But despite these important positions and titles, I think of Marc as first and foremost a teacher. He has certainly taught me, and I think he has probably touched and inspired everyone around him.

I am especially fond of the example that stemmed from his visit to Washington, D.C. this spring. Marc had led Vermont's efforts to implement the federal Ed Flex law, and was invited by the President to attend the signing ceremony in the Rose Garden. At the ceremony, the President graciously gave Marc one of the pens he used to sign the legislation. For most of us, the story would have stopped there, as the pen gathered dust on our bookshelf or in a drawer. Not so for Marc. He took the pen with him to classrooms throughout Vermont so that hundreds of students had the thrill of writing a word or two with the pen the President used to sign the Ed Flex legislation. As usual, their comments were priceless, ranging from ''This must be worth millions!'' to ''Can I use it to write my name in my baseball cap?''

Marc Hull has written his name into the fabric of our state. With compassion for all whom he served, unique leadership skills and unsurpassed creativity, Marc has worked to make Vermont schools the best they can be. I am pleased that while he has left his post as Commissioner, he will not leave the field of education. And wherever he works, I know he will continue to have an impact on helping children to reach higher.

His integrity, humility and humanity make Marc Hull a wonderful advisor, a good friend and an asset to the nation. He's not a bad politician either, in the best sense of the word. Throughout my term as chairman of the Senate's education committee I have relied on his good counsel. Though he will never get proper credit, his influence has been felt far beyond the Green Mountains. I thank him, I wish him well, and I plan to continue learning from him.●

### ON THE RETIREMENT OF JAMES B. EDWARDS

● Mr. HOLLINGS. Mr. President, it gives me great pleasure today to recognize my friend Dr. Jim Edwards, who recently retired as president of the Medical University of South Carolina after a distinguished 17-year tenure. Thanks to his hard work and dedication, MUSC is now consistently ranked as one of the top 100 research universities in the country and has established itself as a leader in teaching and patient care.

Since Dr. Edwards took the helm at MUSC, the university has graduated more than 10,000 health care professionals who are serving throughout the state and nation. The university also experienced remarkable physical growth under his leadership with the construction of several valuable facilities including the Children's Hospital, the Hollings Cancer Center, the Gazes Institute for Cardiac Research and the Strom Thurmond Biomedical Research Center. The Charleston area is fortunate to have MUSC in its midst. The area's largest employer, MUSC has an impressive economic impact of $1.3 billion annually.

Dr. Edwards' vision and drive that helped place MUSC in the medical forefront are talents he developed during the previous two decades as a public servant. He became a politician for all the right reasons. He was the archetypal man fed up with America's ills, but with the uncommon belief that it was his duty to correct them.

A successful oral surgeon, Jim served for two years in the South Carolina Senate before resigning to run for governor in 1974. Although the underdog in the race, he emerged the victor, becoming the first Republican governor of South Carolina since Reconstruction. As governor, he passed the Education Finance Act, which helped modernize our state's education system. He also established a reserve fund, created a motor vehicle management office, streamlined the state budgeting process, developed welfare reform procedures, established the Energy Research Institute and launched state government reorganization efforts.

His nonpartisan approach to state government was commendable. ''I sincerely believe that during a campaign you ought to be partisan as you can be,'' he told The State newspaper recently, ''and talk about the differences of the two parties. There's plenty there to talk about. . . . But when elected, all this partisan stuff should stop. You ought to work together with whomever the people elected to work with you in government.'' Democrats far outnumbered Republicans in the South Carolina legislature when Jim was governor, yet representatives from both parties have compliments to bestow upon him to this day. He left the Governor's Mansion with an approval rating of nearly 80 percent.

A year after Dr. Edwards returned to his dental practice, President Reagan asked him to serve as the nation's energy secretary. True to his commitment to public service, Jim answered the call, moving to Washington to tackle an important national issue. During his tenure, the DOE decontrolled oil, stepped up the pace for filling the Strategic Petroleum Reserve, obtained federal aid for three synthetic fuel projects and shepherded a nuclear waste measure through Congress. In 1982, he moved back to South Carolina and assumed the presidency at MUSC.

Dr. Jim Edwards' retirement marks an end to the career of one of South Carolina's finest. His impact will be felt for many years to come. My wife, Peatsy, joins me in wishing Jim and his wonderful wife, Ann, a happy retirement.●

## THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business Friday, October 29, 1999, the Federal debt stood at $5,679,726,662,904.06 (Five trillion, six hundred seventy-nine billion, seven hundred twenty-six million, six hundred sixty-two thousand, nine hundred four dollars and six cents).

One year ago, October 29, 1998, the Federal debt stood at $5,559,428,000,000 (Five trillion, five hundred fifty-nine billion, four hundred twenty-eight million).

Fifteen years ago, October 29, 1984, the Federal debt stood at $1,599,006,000,000 (One trillion, five hundred ninety-nine billion, six million).

Twenty-five years ago, October 29, 1974, the Federal debt stood at $480,331,000,000 (Four hundred eighty billion, three hundred thirty-one million) which reflects a debt increase of more than $5 trillion—$5,199,395,662,904.06 (Five trillion, one hundred ninety-nine billion, three hundred ninety-five million, six hundred sixty-two thousand, nine hundred four dollars and six cents) during the past 25 years.●

## IN RECOGNITION OF UNITED AUTOMOBILE WORKERS LOCAL 599

● Mr. LEVIN. Mr. President, I rise today to recognize the 60th anniversary of the chartering of United Automobile Workers Local 599, which is located in Flint, Michigan.

UAW Local 599 received its charter on January 10, 1939. During the 60 years since its founding, Local 599 members have been powerful advocates for the rights of working men and women and their families. Local 599 has helped to improve the living standards of its members by successfully fighting for fair wages; sick, accident and life insurance; workers compensation; unemployment compensation; and education and training opportunities. In addition to the success Local 599 has achieved for its members and their families, the men and women of the Local have been deeply involved in the life of the Flint community by supporting countless civic and charitable activities.

UAW Local 599 has truly played an important role in the history of the labor movement. I know my colleagues join me in extending sincere congratulations to the past and present members of Local 599, as they celebrate the 60th anniversary of its founding.●

## RECOGNITION OF MAJOR TIM COY

● Mr. ALLARD. Mr. President, today, I would like to recognize an individual that has been a tremendous asset to my office—Maj. Tim Coy. For the past year, Major Coy has been an Air Force Legislative Fellow in my office. He has proven to be a professional officer, who handles any task he is given with enthusiasm and tenacity.

A year ago I requested a sharp military officer be assigned to my staff because of my new position on the Senate Armed Services Committee. Once we interviewed Tim, we knew that his extensive space and missile expertise would benefit my committee assignments, and his knowledge of Colorado would also be invaluable.

From Tim's first day in the office, he blended in with my talented staff and went to work. He assisted in all areas of the office. He played a major role with our defense team on committee work, floor speeches, and became a point person for missile defense issues. Just as important, he became more than a one year staffer, but a friend to us all.

In closing, Tim is an exceptionally capable and professional military officer. He is the very first fellow I have hired, and one of the reasons I look forward to bringing in another fellow for next year. He has a bright future in the Air Force and I know I will be hearing great things about him in the future. Not only was I proud to have Maj. Tim Coy as a ''member'' of my staff, but he also did the Air Force proud.●

## TRIBUTE TO LEO MARSHALL

● Mr. BIDEN. Mr. President, under the daily 24-hour assault of our highly competitive news media, constantly in search of the latest event and the most readily available personality, it would be easy to confuse leadership with celebrity. However, there are in every community, men and women whose names are rarely found in the headlines and whose faces rarely appear on the television screen, but who nevertheless contribute real leadership day in and day out.

In my state of Delaware, one of those invaluable if rarely recognized leaders is Wilmington City Clerk, and Democratic City Chairman, Leo Marshall. A Wilmington native and a lifelong Wilmington resident, Leo Marshall does not often make the morning headlines or the evening broadcast news, but he is easily familiar to many Wilmingtonians because he never joined the migration to the suburbs that drained the energies and economies of many of our older cities—he has lived and served among them for four eventful decades.

Leo Marshall is, in many ways, the ''Mr. Wilmington'' of an older and increasingly diverse city he has helped to guide through the social and economic challenges that have marked our urban landscape from the confrontations of the Sixties to, in Wilmington's case, the dawning rebirth of the Nineties. He would be the last to claim major credit for the city's successes; he will tell you that the city has survived and got to its feet again at the hands of a succession of progressive city administrations—but knowledgeable Wilmingtonians will tell you Leo Marshall has built and maintained the strong political structure that has made progress possible in the relatively small city that is nevertheless Delaware's largest and most thoroughly urban community.

Like another Democrat prominently in the news today, Leo Marshall first came to public notice with a basketball in his hands, but as a proud product of Wilmington's still highly coherent Polish-American community, he was not willing to stop there. He turned his attention to city government, and the same intelligence and fiercely competitive spirit that had been so evident on the basketball court soon marked him as a leader in the rough-and-tumble of city politics.

He was and is a frankly partisan Democrat, and he has made Wilmington a Democratic stronghold in most of our elections; but he has always reserved his most intense partisanship for his city itself. He never loses sight of the city's interests, and he will vigorously defend them against all comers, regardless of party. Those of us who encounter him as Democrats learn quickly, if we expect to enjoy the relationship, that Leo Marshall will almost invariably be found among the most progressive of Democrats when it comes to issues or candidates, local, state or national—but only when he is assured that the city's interests have been taken into constructive consideration. In those cases, he is capable of being a statesman who can help pull a party, a city or a state together; but if

he feels the city is being attacked or neglected, he takes off the frock coat and rolls up his sleeves—and his opponents rarely enjoy the contest that ensues.

If it sounds like I am characterizing Leo Marshall as an old-fashioned ''city boss,'' there is some truth to that notion; he came to party leadership out of the tradition of bare-knuckle ward politics that was the hallmark of most American cities of the day. But he has survived and successfully carried his leadership into a far different day because he has proved to be a boss with a difference—in a city significantly and persistently marked by rapid and challenging social and economic changes, he has been able to adapt his outlook, his leadership and his party to one major transition after another to the benefit of both his party and his community.

Such adaptable behind-the-scenes party leadership invites a consideration of the current state of our political parties. Much is said these days of how ''entrepreneurial politics'' has reduced our parties to mere shadows of their former selves, and those of us who must regularly place our records and our hopes for the future before the judgment of our constituents are well aware that that analysis comes uncomfortably close to the truth. Replacing party conventions with primary elections, struggling to meet the staggering costs of campaigning and coping with a swollen press corps that dogs our tracks at all seasons has inevitably thrown onto the shoulders of individual candidates much of the burden that historically was borne by the political parties.

But we should not let that fact blind us to the continuing contribution our political parties make to our national life. They remain the institutions that embody the political values we place before the voters when we campaign for office. They still provide the structure upon which our whole political system is based. They may not wield the overwhelming political influence they once possessed—and most of us would agree that they should not—but they are not without identity, they are not without purpose, and they are not without continuing value. They deserve our continuing attention, and leaders who maintain them to serve our nation's political life—leaders like Leo Marshall who have adapted those parties to the realities of our day—deserve our thanks and our admiration.

Mr. President, the great American humorist Will Rogers was as wise as he was amusing, and never more so than when he said, ''God will look you over, not for medals, diplomas or degrees—but for scars!'' Wilmington's Leo Marshall need fear no such examination; he bears the honorable scars of many a political battle, all of them acquired in the service of his city and his party, but also on behalf of his state and nation. He does not often make the headlines, but he has made his mark on the history of his community, and that is the truest legacy of leadership.●

## COMMENDATION OF DR. SWEET

● Mr. DEWINE. Mr. President, I rise to commend the services of David Sweet, who is ending his term of the Northeast-Midwest Institute's Board of Directors. David is a distinguished Ohioan, who has helped to enhance the economic vitality and environmental quality of my State and the Northeast-Midwest region.

Dr. Sweet has been dean of the Levin College of Urban Affairs at Cleveland State University since 1978. He has expanded that institution and developed it into a well-respected research center that focuses on public service. Before joining Cleveland State, David served in several high-ranking positions within Ohio's State government. He was a member of the Public Utilities Commission, director of the Department of Economic and Community Development, chairman of the Ohio Energy Emergency Commission, and secretary of the Ohio Developmental Financing Commission.

David actually served four 3-year terms on the Northeast-Midwest Institute's Board of Directors, and he was elected chairman from 1995 to 1998. He has provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. The Northeast-Midwest Institute provides policy research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator CARL LEVIN of Michigan.

Mr. President, I again want to commend David Sweet for his service on the board of the Northeast-Midwest Institute. He has provided valued counsel and helped increase that organization's reputation and effectiveness.●

## TRIBUTE TO BRIGADIER GENERAL LINDA J. STIERLE

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Brigadier General Linda J. Stierle as she retires after twenty-nine years of active duty service in the United States Air Force. General Stierle culminates her distinguished career as the Director of Medical Readiness and Nursing Services in the Office of the Air Force Surgeon General. She is the first Nurse Corps officer to be appointed as the Director of Medical Readiness for the Air Force Medical Service. Under her direction, the medical readiness doctrine has been reengineered to be faster, lighter, and more responsive to the needs of the fighting force. Thanks to her extraordinary leadership, the Air Force Medical Service is positioned to fully support the Air Force's new Expeditionary Air Force structure in meeting current and future contingencies.

General Stierle's distinguished career began in 1970 when she received a direct commission in the Air Force Nurse Corps as a second lieutenant. Highlights of her diverse and challenging career include serving as Director of the Department of Nursing at two of the Air Force's largest medical centers—David Grant USAF Medical Center, Travis Air Force Base, California, and Wilford Hall USAF Medical Center, Lackland Air Force Base, Texas. Prior to her current position, she served as the Command Nurse, Office of the Command Surgeon, Air Mobility Command, Scott Air Force Base, Illinois, where she provided leadership and oversight of nursing services for 12 medical treatment facilities and the worldwide Aeromedical Evacuation System.

Mr. President, more than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. General Stierle embodies what I know military nurses to be—strong, professional leaders who are committed to serve their fellow comrades in arms and their country. General Stierle's many meritorious awards and decorations demonstrate her contributions in a tangible way, but it is the legacy she leaves behind for the Air Force Nurse Corps for which we are most appreciative. It is with pride that I congratulate General Stierle on her outstanding career of exemplary service.●

## AUTHORIZING OF SENATE REPRESENTATION

Mr. FITZGERALD. Mr. President, I ask consent the Senate now proceed to the immediate consideration of S. Res. 213, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 213) to authorize testimony, document production, and representation of employees in the Senate in Bonnie Mendelson v. Delaware River and Bay Authority.

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil action pending in the U.S. District Court for the District of Delaware. The plaintiff in this case is a former sign-language interpreter for the Congressional Special Services Office. The case concerns injuries sustained by the plaintiff while a private passenger aboard a ferryboat.

This resolution would permit former coworkers of the plaintiff's on the Congressional Special Services staff to testify about the effect of the plaintiff's injuries on her ability to perform her work at the Senate.

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

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

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 213

Whereas, in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, Civil Action No. 98–90–GSL, pending in the U.S. District Court for the District of Delaware, testimony has been requested from David P. Hauck and Julie B. Cardillo, employees of the Congressional Special Services Office, and Bonnie Powell, a former employee of the Congressional Special Services Office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the administrative or judicial process, be taken from such control of possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Bonnie Mendelson* v. *Delaware River and Bay Authority*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent David P. Hauck, Julie B. Cardillo, Bonnie Powell, and any other current or former employee of the Senate in connection with the testimony and document production authorized in section one.

## ORDER OF PROCEDURE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that with respect to the time controlled by the Democratic leader on the D.C./Labor appropriations conference report, the 15 minutes be allocated as follows: 5 minutes each for Senators DURBIN, HARKIN, and LAUTENBERG.

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

## ORDERS FOR TUESDAY, NOVEMBER 2, 1999

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, November 2. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany the D.C./Labor-HHS appropriations bill under the previous time agreement.

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

Mr. FITZGERALD. Further, I ask consent the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

Mr. FITZGERALD. I further ask consent that with respect to the African trade/CBI bill, Senators have until 10 a.m. to file second-degree amendments.

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

## PROGRAM

Mr. FITZGERALD. For the information of all Senators, at 9:30 a.m. on Tuesday, the Senate will immediately begin 30 minutes of debate on the conference report to accompany the D.C./Labor-HHS appropriations bill. Following the debate, the Senate will proceed to a vote on the conference report which will be followed by possibly two cloture votes in relation to the African trade bill. Therefore, Senators can anticipate up to three stacked votes at approximately 10 a.m. It is expected cloture will be invoked and the Senate will begin the 30-hours of postcloture debate on the CBI/African trade bill.

The leader has indicated he hopes to complete action on the trade bill this week.

## ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. FITZGERALD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Tuesday, November 2, 1999, at 9:30 a.m.